

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF TEXAS

3 LAREDO DIVISION

4 UNITED STATES OF AMERICA, ) CRIMINAL NO. 5:08-244-19  
5 vs. )  
6 EDUARDO IBARRA CARREON, )  
7 Defendant. )  
-----)

8

9 TRANSCRIPT OF RE-ARRAIGNMENT  
10 BEFORE THE HONORABLE MICALELA ALVAREZ  
11 DISTRICT COURT JUDGE

12 APPEARANCES:

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17 APPEARANCES CONT. ON 2ND PAGE

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23 **Southern District of Texas.**

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE COURT: This is Case Number 08-244,  
3 the United States of America versus various defendants.  
4 Let me have announcements from counsel so that we can  
5 see who is here.

6 MR. MORENO: Jose Angel Moreno for the  
7 government.

8 MR. JAIME: Eduardo Jaime for Juan  
9 Adolfo Ramos, Your Honor.

10 MR. SANCHEZ: Fernando Sanchez for  
11 Aurora Del Bosque.

12 MR. MONTEMAYOR: Javier Montemayor for  
13 Andres Alfredo Hernandez.

14 MR. SALINAS: Octavio Salinas for Arturo  
15 Palencia.

16 MR. CZAR: Jeffrey Czar present, Your  
17 Honor, for Cardona.

18 THE COURT: Okay.

19 MR. FLORES: Manuel Flores, Your Honor,  
20 for Rene Garcia.

21 MR. DOMINGUEZ: Jesus Dominguez, Your  
22 Honor, for Eduardo Carreon-Ibarra. It's going to be a  
23 plea, Your Honor.

24 THE COURT: Okay.

25 MR. GUTIERREZ: Amador Gutierrez, Your

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1 Honor.

2 THE COURT: Okay. Lost you somewhere  
3 here.

4 MR. DAVILA: Chito Davila on behalf of  
5 Ricardo Guerrero, Your Honor. There's an announcement.

6 THE COURT: Okay.

7 MR. GUTIERREZ: Amador Gutierrez, Your  
8 Honor, for Raul Castillo.

9 THE COURT: Okay.

10 MR. GUTIERREZ: It's a plea.

11 THE COURT: A plea.

12 MR. FLORES: Juan Flores for Roberto  
13 Camacho. That's plea, also, Judge.

14 MR. FIGUEROA: Luis Figueroa, Your  
15 Honor, for Jaime Miguel Diaz De Leon. And he wants a  
16 few additional days to discuss this matter with his  
17 family for a plea, Your Honor. That's what he's  
18 requesting from me.

19 THE COURT: Okay. Am I missing anybody  
20 else?

21 MR. REYES: Andy Reyes on behalf of  
22 Jorge Rodriguez.

23 THE COURT: Okay.

24 MR. TELLEZ: Jose Salvador Tellez II for  
25 Raul Jasso, Jr.

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1                   THE COURT: Okay. Everybody is  
2 accounted. Okay. Let me go down make sure because I  
3 don't think I got everybody that was going to be a  
4 plea. I'm going to go down the list, and just tell me  
5 whether it is a plea or if you have some other  
6 announcement. And I'm just going down the list as I  
7 have it in front of me.

8                   Cardona-Ramirez, was that a plea?

9                   MR. CZAR: No, Your Honor, a trial.

10                  THE COURT: Trial, okay.

11                  Richard Guerrero.

12                  MR. DAVILA: An announcement, Your  
13 Honor.

14                  THE COURT: And the announcement is?

15                  MR. MORENO: Counsel was provided with a  
16 birth certificate on Thursday. We're checking out that  
17 the defendant may have actually been a juvenile at the  
18 time of the offense, and so we sort of have -- I'm  
19 still talking to the folks at D.O.J. who handle the  
20 juvenile adjudication, and they basically told us our  
21 options are to dismiss the indictment and charge him as  
22 a juvenile and have him transferred or we can dismiss,  
23 file as a juvenile and request to be transferred to  
24 those status or we can wait till November when he turns  
25 21 and then prosecute him as an adult. Once he turns

1 21, the Juvenile Justice Act does an application as  
2 well. According to them, that's what they're still  
3 checking on.

4 THE COURT: Okay. And how much time do  
5 you think you need to determine, first of all,  
6 whether -- I guess the birth certificate, do you have  
7 any question as to that?

8 MR. MORENO: As far as I can tell from  
9 all of the documentation we have, it should be correct.

10 THE COURT: Okay.

11 MR. MORENO: He was three or four months  
12 away from being 18 at the time of the offense.

13 THE COURT: It doesn't look like we can  
14 go forward with him on the current schedule, in any  
15 event.

16 MR. MORENO: No, not today. I should  
17 know before the end of the week whether they're going  
18 to process. We have to make a decision about which  
19 way--.

20 THE COURT: To plead.

21 MR. MORENO: We should proceed.

22 THE COURT: Okay. All right. Roberto  
23 Camacho.

24 MR. FLORES: Plea, Judge.

25 THE COURT: Okay. Arturo Palencia.

1 MR. SALINAS: That will be a plea, Your  
2 Honor.

3 THE COURT: Eduardo Carreon-Ibarra.

4 MR. DOMINGUEZ: That's a plea, Your  
5 Honor.

6 THE COURT: Rene Garcia.

7 MR. FLORES: That will be a plea, Your  
8 Honor.

9 THE COURT: Andres Alfredo Hernandez.

10 MR. MONTEMAYOR: Judge, that's an  
11 announcement. Mr. Hernandez has indicated to me at one  
12 point about three weeks ago that he was interested in  
13 pleading guilty. I've seen the documents. The factual  
14 basis is not satisfactory to me or to him at this  
15 point. We're asking for a short extension, about a  
16 week or so, to get all that squared away. That's the  
17 announcement. I've conferred with the prosecution,  
18 Your Honor. They have -- as of Thursday, they had no  
19 opposition because there were some other pending  
20 matters that needed to be addressed as far as other  
21 individuals who need to be brought in and whatnot.

22 MR. MORENO: I know what the issue is on  
23 the factual basis. I'll show him what we have and then  
24 we'll see.

25 THE COURT: And so how much time do you

1 think we need? What is our anticipated trial date for  
2 this, Ms. Trevino? I have it here somewhere.

3 MR. MORENO: I don't believe we set a  
4 date.

5 THE COURT: But did I give you an  
6 indication of what time -- where we would be looking  
7 at, is what I'm trying to find out. I thought we had  
8 set aside--.

9 MR. JAIME: I don't think there was,  
10 Your Honor, because at one point the government was  
11 going to section off defendants.

12 THE COURT: Okay.

13 MR. MORENO: We were going to see how  
14 many people were left and then decide how much time we  
15 were going to--.

16 THE COURT: Then let me come back to you  
17 in a little bit. Okay. Jaime Miguel Diaz De Leon.

18 MR. FIGUEROA: Your Honor, it's  
19 basically the same announcement. We're asking for a  
20 week to get together basically with the same facts as  
21 Mr. Montemayor's client.

22 THE COURT: Okay. Raul Jasso Jr.

23 MR. TELLEZ: Yes, Your Honor. It's a  
24 trial announcement.

25 THE COURT: Trial announcement. Okay.

1 Juan Adolfo Ramos.

2 MR. JAIME: It's a trial, Your Honor.

3 THE COURT: Gustavo Fabian Chapa.

4 MR. PEREZ: It's a plea, Your Honor.

5 THE COURT: Aurora del Bosque.

6 MR. SANCHEZ: It's a trial, Your Honor.

7 THE COURT: Raul Castillo.

8 MR. GUTIERREZ: Plea, Your Honor.

9 THE COURT: And Jorge Rodriguez.

10 MR. REYES: Plea, Your Honor.

11 THE COURT: Okay. Okay. Let me discuss  
12 first, and we'll come to the pleas in a minute because  
13 those will take a little while once we get started.

14 Let me discuss Cardona-Ramirez, Raul Jasso Jr.,  
15 Juan Adolfo Ramos, Gustavo Fabian Chapa -- no, I'm sorry,  
16 not Chapa, Del Bosque, those that are trial  
17 announcements. Okay. We have discussed at some point in  
18 time the possibility of having separate trials, depending  
19 on the charges here, and I haven't gone back to look as  
20 to each one of these particular defendants and the  
21 charges that pertain to them. But what are counsel's  
22 thoughts as far as whether these defendants can be  
23 tried -- and I have got one two, three, four trial  
24 announcements: Cardona-Ramirez, Jasso, Ramos.

25 MR. MORENO: And Del Bosque.

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1                   THE COURT: And Del Bosque. So four  
2 trial announcements.

3                   MR. MORENO: If it's just going to be  
4 the four of them, I think my preference would be to try  
5 them all together.

6                   THE COURT: Well, I think part of it,  
7 though, is also has to do with the charges that pertain  
8 to each one of those. If those charges are the same --  
9 I realize we have all one, all one large conspiracy.  
10 But as far as the charges themselves, if they are all  
11 interconnected factually, that would make some sense.  
12 If they're clearly distinct set of facts as to each--?

13                  MR. MORENO: Cardona is on most of the  
14 charges in the indictment.

15                  THE COURT: Okay.

16                  MR. MORENO: And then the only one who  
17 might be a little sort of off in the whole thing might  
18 be Del Bosque because she's more of a minor role than  
19 the rest of what happened towards the end of the  
20 indictment. But Jasso is on -- he's on four of the  
21 homicides together with Cardona, and two or three of  
22 the attempted homicides together with Cardona, plus;  
23 and the related weapons charges that go with those. So  
24 he's on a different chunk of the indictment as Cardona.  
25 And then Ramos is on the last--.

1 THE COURT: Quite a few of them.

2 MR. MORENO: Yes. They're all involving  
3 four of those last -- the last of them, the last double  
4 homicides that occurred on April 2nd, pretty much  
5 everything after that.

6 THE COURT: Okay.

7 MR. MORENO: The attempted ones and the  
8 related guns and juvenile charges. And the only issue  
9 as to a potential conflict would be Mr. Jaime who  
10 represents a witness who would be the witness on the  
11 very first, on Cardona's involvement, but his client is  
12 not involved with him at all, so in my view, he  
13 wouldn't have any reason to cross-examine his client,  
14 but if it came to that being a difference between  
15 trying them together or not, it would probably be just  
16 useful because we have ten other people to do at a  
17 time.

18 THE COURT: Yeah. And in looking at it,  
19 I've got a breakdown of the charges. I guess in  
20 reviewing this, I agree that Del Bosque is the only one  
21 that's really only involved in the initial conspiracy  
22 and then one substantive count. But other than that,  
23 Jasso, Ramos, and Cardona overlap almost as to  
24 everything also. Any thoughts from counsel as to these  
25 defendants?

1 MR. SANCHEZ: Yes, Your Honor. Fernando  
2 Sanchez. I represent Aurora Del Bosque. My only  
3 concern, and I have discussed this with Mr. Moreno, is  
4 one of defendants had made a statement, and that  
5 statement mentions my client. I think it's Cardona who  
6 is going to trial. Before I filed a motion to sever,  
7 which I did, and Mr. Moreno assured me that one of two  
8 things, we'd either be separated, which apparently now  
9 we may not be. And in the event we were to be tried  
10 together, that they would excise from the statement the  
11 statements made in regards to my client.

12 MR. MORENO: Which we would have to  
13 undergo.

14 MR. SANCHEZ: Other than that, we have  
15 no problem being tried together.

16 THE COURT: Okay.

17 MR. SANCHEZ: As long as we can take  
18 care of that.

19 THE COURT: Okay.

20 MR. CZAR: Yes, Your Honor. On my  
21 client, Your Honor, I believe he's down on 24 counts,  
22 and I guess we would ask which one of those counts he  
23 plans to try to prove up at trial or do we need to  
24 get--.

25 MR. MORENO: All of them.

1                   THE COURT: I would imagine he plans to  
2 try all of them.

3                   MR. CZAR: That's fine, Your Honor.

4                   THE COURT: Okay. All right. Any  
5 thoughts from anybody?

6                   MR. TELLEZ: Your Honor, my main thing  
7 is that Mr. Cardona has many counts that are directly  
8 related with his communications with Mr. Trevino in  
9 Mexico. There's a lot of information or a lot of  
10 the -- obviously, contact with my client has six or  
11 seven I guess. If I'm not mistaken, anywhere between  
12 six or eight total counts. And the majority of the  
13 information and the evidence that Mr. Moreno is going  
14 to introduce at trial is going to go as far as  
15 Cardona's direct relation with Mr. Trevino who is  
16 allegedly the main gentleman in Mexico that brought  
17 this whole alleged conspiracy together and use that to  
18 tie against our clients. And as far as what we're  
19 indicted, or my client Jasso is indicted with Mr.  
20 Cardona, that's fine. But we're asking that -- if we  
21 can keep I guess Mr. Cardona separate and separate him  
22 from our group.

23                   THE COURT: And I don't think I  
24 understand -- I mean I understand just a general  
25 request to be tried separately, but.

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1                          MR. TELLEZ: If we go through the actual  
2 overt acts--.

3                          THE COURT: Uh-hum.

4                          MR. TELLEZ: The overt acts of each and  
5 every act of conspiracy are proved up, and we can go  
6 through them and Your Honor would read just through the  
7 indictment, that the majority of the acts that they're  
8 using for the underlying basis for this indictment  
9 pertains to Mr. Cardona.

10                        THE COURT: Okay.

11                        MR. TELLEZ: And a lot of the actions as  
12 far as leader-organizer and all that, all that proof  
13 goes to Mr. Cardona. Now we have essentially my  
14 defendant, my client, and then Mr. Sanchez's client who  
15 is potentially related to my client, and I believe to  
16 Mr. Jaime's client where the facts fit neatly to the  
17 majority of the crimes that they allegedly committed  
18 were done allegedly together. Now Mr. Cardona brings  
19 in a lot of other baggage that has nothing to do with  
20 our clients.

21                        THE COURT: Well, but in that sense, I  
22 mean the jury is instructed that they have to determine  
23 each count as to each defendant separately. If it's an  
24 issue, because you talk about leader-organizer, if we  
25 ever get to the issue of sentencing, the court will

1 look at the facts separately to determine what role  
2 they played. You know, your argument that --  
3 Mr. Sanchez might have a better argument because his  
4 client is only involved in one substantive count, but  
5 your client is allegedly involved here in several of  
6 them.

7 MR. MORENO: And we'd have to bring most  
8 of that evidence in anyway because part of conspiracy  
9 to bring it in and several trips were made between each  
10 of them in Mexico, payments made on both sides of the  
11 border, smuggled on both sides of the border, and most  
12 of the charges are related to the interstate travel.  
13 So it's not going keep that evidence out of--.

14 THE COURT: Yes. And where they're all  
15 in a conspiracy.

16 MR. TELLEZ: Understood, Your Honor.  
17 The only other question would be that we ask that my  
18 client's, whatever, is redacted as far as what Mr.  
19 Cardona stated against my client in his confession in  
20 state court or whatever agency. Same request as far as  
21 Mr. Sanchez.

22 MR. MORENO: As to all of them. I guess  
23 as to everybody's statements, if there are any, we have  
24 to redact them as far as their introduction as far as  
25 the remainder of their--.

1                   THE COURT: All right. Let's talk then  
2 about scheduling. How much time do we think we need --  
3 I guess we're still kind of iffy on the other two, but  
4 you know, how much time do you think we need for let's  
5 just look at these four for now.

6                   MR. MORENO: My best guess would be  
7 about three weeks.

8                   THE COURT: Any defense counsel feel  
9 differently?

10                  Okay. Ms. Trevino.

11                  CASE MANAGER: I have November 24  
12 followed with three weeks.

13                  THE COURT: That's the earliest we have?

14                  CASE MANAGER: You want earlier?

15                  MR. MORENO: That's what?

16                  THE COURT: November is what she is  
17 looking at.

18                  CASE MANAGER: November 3rd.

19                  MR. MORENO: I would also let the court  
20 know that I have got three, maybe four witnesses in BOP  
21 that we have not brought down because we have problems  
22 separating them, and that usually takes the marshals  
23 about three to four weeks to get them down here.

24                  THE COURT: I really don't want to put  
25 it off till November. The 20th jury selection is just

1 our standard jury, right?

2 CASE MANAGER: Right. So we can do  
3 October 14th.

4 THE COURT: Okay. This is what the  
5 court is looking at: I will put it on the 14th of  
6 October. That's a Tuesday because that Monday is a  
7 holiday. And we'll set it for jury selection on that  
8 day, although we could maybe do jury selection on the  
9 10th, Ms. Trevino. It's open.

10 Okay, no. Let's do jury selection on the 10th,  
11 and we'll begin the case on the 14th and go from there.

12 MR. CZAR: That's fine.

13 MR. MORENO: Once I look at all the  
14 evidence and the witnesses, I'll inform the court  
15 whether I have any additional.

16 THE COURT: I'll tell counsel right now,  
17 and I think counsel right now knows that the court will  
18 push the case forward. Because of the nature of the  
19 case and the number of people involved, we likely will  
20 be starting in the morning's at 8:30 and likely going  
21 till late in the afternoon past five if necessary so  
22 that we, you know, keep it moving. I think all counsel  
23 knows by now that the court when it's in trial keeps it  
24 to a trial schedule except for any emergencies that  
25 come up. So you'll be getting full days, okay. All

1 right. Anything else as to these that are trial  
2 announcements?

3 MR. CZAR: No, Your Honor.

4 THE COURT: Okay. You're welcome to  
5 remain, but you may be excused if you want to go on to  
6 your other business.

7 Okay. Then let me talk about the two that need  
8 a little bit more time. That was Andres Alfredo  
9 Hernandez, Jaime Miguel Diaz De Leon. Okay. What issues  
10 do we have that -- I mean yours is just regarding the  
11 factual basis. You think can you convince him,  
12 Mr. Figueroa? What is your situation?

13 MR. FIGUEROA: My client is asking or  
14 requesting from me for a week. He wants to discuss the  
15 case with his family, the possible sentence, the plea  
16 agreement, and that he might want to hire -- retain  
17 counsel. I don't know if he can or not.

18 THE COURT: Well, where is your client?

19 Mr. Diaz De Leon. I'm going to tell you that  
20 as far as discussing the case further with your family,  
21 we'll get to that in a minute, but as far as changing  
22 attorneys on us now, if you get a new attorney now, and I  
23 am not telling you that you cannot, but if you go out and  
24 find a new attorney now, first of all, it might be  
25 difficult because there are so many defendants and

1 witnesses involved here, that a lot of the attorneys have  
2 conflicts. So the first thing is if you start talking to  
3 another attorney, the first thing you better tell him is  
4 that he needs to make sure that he doesn't have a  
5 conflict because I'm not going to have somebody come in  
6 to substitute for you and then it turns out that he has a  
7 conflict and he cannot represent you. That's the first  
8 thing.

9                   The if other thing is that if you go out and  
10          you find yourself another attorney he is going to have to  
11          be ready to go in this case on the schedule that we're  
12          on, which means that he's not getting additional time.  
13          I'm not resetting your case for later. I've given a  
14          trial date for these other cases that are going to trial.  
15          If you decide you're not going to enter a plea, that  
16          you're going to go to trial, you're going to be on that  
17          schedule, so that means that your attorney would have to  
18          do everything in this case and be ready to go to trial on  
19          October the 14th. Is that clear?

DEFENDANT DIAZ DE LEON: Yes, it's  
clear.

22 THE COURT: And I also want you to  
23 understand that simply because you go out and you try  
24 to get a new attorney doesn't mean that I'm going to  
25 allow a substitution here. It will depend on all the

1 facts before the court, but just so that you understand  
2 that it isn't an automatic thing. You understand that?

3 DEFENDANT DIAZ DE LEON: I do  
4 understand.

5 THE COURT: Okay. As far as the  
6 additional time, Mr. Moreno, do you have any position?

7 MR. MORENO: I figure if we can't settle  
8 the dispute in a week, we're not going settle it.

9 MR. FIGUEROA: I would agree with that,  
10 Your Honor. About a week is fine with us.

11 THE COURT: Okay. I will reset you --  
12 today is Monday the 4th. I will reset you for, if I  
13 can get on the right month here, the 11th. And it will  
14 be a status conference either to tell me that you're  
15 going to trial or to tell me that you are entering a  
16 plea.

17 MR. FIGUEROA: Yes, Your Honor.

18 THE COURT: And I'm making that  
19 announcement with everybody present. And Mr. Figueroa  
20 and his client are the only ones required to be  
21 present. Anybody else who wants to be present related  
22 to the case is welcome to, but you are not required to  
23 attend that hearing. Okay. Anything else as to  
24 your--?

25 MR. FIGUEROA: That's all I have, Your

1 Honor. May I be excused?

2 THE COURT: Mr. Montemayor, do you think  
3 a week is sufficient to get your defenses that can be  
4 worked out as well?

5 MR. MONTEMAYOR: Yes, Your Honor. I  
6 agree. If we can't settle this this week, then it  
7 probably won't be settled, and we'd like the same  
8 consideration as Mr. Figueroa, taking into  
9 consideration as well that I was here for the court's  
10 discussion on the trial dates and the jury selection  
11 dates, so if it doesn't settle within a week, I mean  
12 I'm ready for trial.

13 THE COURT: Then we'll reset you for the  
14 11th as well.

15 MR. MONTEMAYOR: Thank you, Your Honor.  
16 May I be excused?

17 THE COURT: You may be excused. Thank  
18 you.

19 Okay. Then I think the only ones we have left  
20 are those that are going to be pleas; is that correct?  
21 Okay. Oh, and the issue of the juvenile, I'm sorry, yes.  
22 On the issue of the -- Richard Guerrero. How much time  
23 do you think you need to figure out where you stand? I  
24 mean we need to move him off anyway because in any  
25 event -- I guess let me ask this first: As far as the

1 status of the juvenile, are you convinced that that is  
2 correct or do you need more time?

3 MR. MORENO: No, I'm pretty much  
4 convinced. The request is--.

5 THE COURT: How you are going to  
6 proceed?

7 MR. MORENO: How we process him.

8 THE COURT: Okay. So he would be off  
9 that trial calendar for right now or do you think that  
10 that gets you moot to give him--?

11 MR. MORENO: If we decide to go with him  
12 as a juvenile and try to transfer him over, he'll be in  
13 a completely different -- since he's in custody, I  
14 think we only get 30 days to actually go to the  
15 disposition of his case.

16 THE COURT: In 30 days in this case  
17 would begin to run from when?

18 MR. MORENO: From the moment we file the  
19 information with the complaint. We have to get  
20 certifications from the U.S. Attorney's, certifications  
21 to file them all together, and then the motion to  
22 transfer, and the actual trial has to happen within 30  
23 days.

24 THE COURT: But right now we just need  
25 to take him off the current -- I mean he wouldn't be on

1 the October the 14th trial date, so -- and I don't  
2 want -- I don't certainly want it to linger, so how  
3 much time do you think you need to determine how you  
4 are going to proceed?

5 MR. MORENO: I should know by the end of  
6 the week.

7 THE COURT: Okay. Why don't we give him  
8 the same status conference on the 11th so we can know  
9 what the situation is. I don't want him lost in the  
10 system. Okay.

11 Mr. Davila for the 11th, and we'll see how it's  
12 going to proceed.

13 MR. DAVILA: That's fine, Your Honor.

14 THE COURT: Okay. Anything else as to  
15 your client?

16 MR. DAVILA: So that will be a status  
17 conference on August the 11th at what time?

18 THE COURT: At 9:00 a.m.

19 MR. DAVILA: 9:00 a.m., Your Honor. In  
20 light of that announcement, may I be excused?

21 THE COURT: You may be excused. Thank  
22 you.

23 Okay. Now we're ready to proceed with the  
24 pleas. I believe so. Okay. Let's get everybody  
25 situated here for the pleas. Mr. Moreno, let me ask you

1 this while everybody is trying to get positioned here:

2 Do we have separate factual basis for all of these?

3 MR. MORENO: Yes, Your Honor. I think I  
4 probably grouped them for you just to keep them  
5 together on a similar factual basis. There's a couple  
6 of them that are just on their own, so they will be  
7 different pleas.

8 THE COURT: Okay. Well, some of the  
9 preliminary then I'll do altogether. To the extent  
10 that everybody can hear me I may be able to do it from  
11 where they stand or move them a little bit closer  
12 maybe, but since we -- once can we get to the factual  
13 basis, we'll be proceeding separately. I don't  
14 necessarily need to have everybody lined up in front of  
15 me, but I do want to make sure that everybody is with  
16 their counsel and that everybody is able to hear me  
17 clearly. So let me -- how many do we have left here?  
18 It's six we have left? Yes.

19 MR. MORENO: Seven.

20 THE COURT: Okay. Let's move -- yeah,  
21 let's move them forward a little bit, but let me get  
22 them -- okay. Or we can have -- yeah, I guess if we  
23 can have some in front. I will leave it to the  
24 marshals to some degree, but. Okay. Why don't we move  
25 this last one -- right, yeah, over there on the bench

1 is fine. And everybody is with their counsel? No,  
2 we're missing counsel back there. Okay. Okay. We  
3 have everybody situated. Okay. I do need each one of  
4 the defendants to stand up, and I know you're in cuffs,  
5 so to the extent that you can, if you will just raise  
6 your right hand. I know it's a partial raise, but  
7 raise your right hand to be sworn in, please.

8 (Defendants sworn.)

9 THE COURT: I need to hear a verbal  
10 answer from everybody.

11 (All defendants answer yes.)

12 THE COURT: All right. Thank you, then.  
13 I'm going to go ahead and allow you to remain seated  
14 for the rest of the proceeding. At some point in time  
15 when we get to a certain place, and you need to stand,  
16 that will be fine, but I will allow to you remain  
17 seated. Let me begin by going through and to make sure  
18 that we have everybody present and accounted for, but  
19 just for the record to be clear, we have Roberto  
20 Camacho.

21 MR. FLORES: Here, Judge.

22 THE COURT: Okay. We have Arturo  
23 Palencia.

24 MR. SALINAS: Yes, Your Honor.

25 THE COURT: And Edward Carreon-Ibarra.

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1 MR. DOMINGUEZ: Yes, Your Honor.

2 THE COURT: Okay. Rene Garcia.

3 MR. FLORES: Yes, Your Honor.

4 THE COURT: Mr. Garcia is here. Okay.

5 Gustavo Fabian Chapa.

6 MR. PEREZ: He's present, Your Honor.

7 THE COURT: Raul Castillo.

8 MR. GUTIERREZ: Present, here, Your  
9 Honor.

10 THE COURT: And Jorge Rodriguez.

11 MR. REYES: He's present, Your Honor.

12 THE COURT: Okay. As to each one of the  
13 defendants, I'm going to be addressing myself to you.

14 It is very important that you give me a verbal answer.

15 Some of you are doing this with a translater. Even  
16 though your answer may be in Spanish, it is still  
17 important that you give me a verbal answer. Do you  
18 understand that?

19 (All defendants answer yes.)

20 THE COURT: Okay. I believe Mr.  
21 Camacho, did I get an answer from you?

22 DEFENDANT CAMACHO: Yes.

23 THE COURT: It's very important that you  
24 give me a verbal answer, as I said. Even though I may  
25 be addressing the question to all of you, I have to

1 have an individual response from you. It is also very  
2 important that you understand my questions. If you do  
3 not understand my questions, please ask me to repeat  
4 them, to explain them further to you. A lot of times  
5 when you are in court like this you tend to look to  
6 your attorney to see what he tells you, you should say.  
7 I don't want your attorney's answer. If I want an  
8 answer from your attorney, I'll ask your attorney. I  
9 want the answers from you, if I am asking you a  
10 question. So if you don't understand what I'm asking  
11 you, ask me to explain it to you instead of asking your  
12 attorney what your answer should be. Do you each  
13 understand that?

14 (All defendants answer yes.)

15 THE COURT: All right. Now my  
16 understanding from your attorneys is that each of you  
17 is going to be entering a plea of guilty here to  
18 certain of these charges. It is very important, as I  
19 said, that you understand everything that I ask you  
20 because at the end of this, if you do enter a plea of  
21 guilty, after I hear from the government about what the  
22 facts are, I'll make a determination about whether you  
23 are guilty. And I have to be sure that you've  
24 understood all of these proceedings.

25 One of the first things that you need to

1 understand is that you each took an oath just a few  
2 minutes ago. That oath is an oath to tell the truth. If  
3 you do not tell truth, any statement that you make here  
4 today can subject you to the penalties of perjury, that  
5 is to additional charges. Do you each understand that?

6 (All defendants answer yes.)

7 THE COURT: Okay. I'm going to just go  
8 down one by one and ask you your age. I'm going to ask  
9 the question in general, but I'll wait and get an  
10 individual response from each one of you, okay. So  
11 will each one of you please tell me how old you are  
12 beginning right here as I'm looking at you.

13 DEFENDANT CASTILLO: 24.

14 THE COURT: Okay.

15 DEFENDANT CAMACHO: 31.

16 DEFENDANT CARREON: 32.

17 DEFENDANT RODRIGUEZ: 21.

18 DEFENDANT CHAPA: 29.

19 DEFENDANT GARCIA: 21.

20 DEFENDANT PALENCIA: 21.

21 THE COURT: Let me ask a question of my  
22 Court Reporter. Are you able to keep them straight  
23 like this or are you having trouble?

24 (Off-the-Record discussion.)

25 THE COURT: Okay. If we do it once, can

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1 we get them identified and maybe you can sort it later.

2 Okay. I'm going to ask you again to state your name on  
3 the record, and I am going to begin on the first row  
4 because the court record has to be clear, so I'm going  
5 to ask you to give me your name again so that the court  
6 reporter can identify you where you sit, and that way  
7 she'll have you straight on the record when you give  
8 your answers.

9 So beginning on the first row right here, your  
10 name again, please.

11 DEFENDANT CASTILLO: Raul Castillo.

12 THE COURT: Raul Castillo, Okay.

13 DEFENDANT CAMACHO: Robert Camacho.

14 THE COURT: Give me a second here  
15 because I'm reorganizing mine as well. Okay. Back in  
16 the second row.

17 DEFENDANT CARREON: Eduardo Carreon.

18 THE COURT: Okay.

19 DEFENDANT RODRIGUEZ: Jorge Rodriguez.

20 DEFENDANT CHAPA: Gustavo Fabian Chapa.

21 THE COURT: Okay.

22 DEFENDANT GARCIA: Rene Garcia.

23 DEFENDANT PALENCIA: Arturo Palencia.

24 THE COURT: Okay. All right. Okay.

25 Now you don't have to repeat your name every time that

1 you answer a question, but that way we have you  
2 organized for the record. Okay. Are anyone of you  
3 under the influence of any alcohol, drugs, or  
4 medication at this time? Again, beginning in this  
5 order, starting with Mr. Castillo.

6 DEFENDANT CASTILLO: No, Your Honor.

7 DEFENDANT CAMACHO: No, Your Honor.

8 DEFENDANT CARREON: No.

9 DEFENDANT RODRIGUEZ: No.

10 DEFENDANT CHAPA: No.

11 DEFENDANT GARCIA: No.

12 DEFENDANT PALENCIA: no.

13 THE COURT: Have you within the last 48  
14 hours consumed any alcohol, drugs, or medication of any  
15 sort?

16 DEFENDANT CASTILLO: No, Your Honor.

17 DEFENDANT CAMACHO: No, Your Honor.

18 DEFENDANT CARREON: No, ma'am.

19 DEFENDANT RODRIGUEZ: No.

20 DEFENDANT CHAPA: No.

21 DEFENDANT GARCIA: No.

22 DEFENDANT PALENCIA: No, Your Honor.

23 THE COURT: Okay. Have any one of you  
24 been under the care of any doctor, psychologist, or  
25 psychiatrist for any mental health issues ever?

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1 DEFENDANT CASTILLO: No, Your Honor.

2 DEFENDANT CAMACHO: No, Your Honor.

3 DEFENDANT CARREON: No, Your Honor.

4 DEFENDANT RODRIGUEZ: No.

5 DEFENDANT CHAPA: No, Your Honor.

6 DEFENDANT GARCIA: No.

7 DEFENDANT PALENCIA: No, ma'am.

8 THE COURT: Now, it is important that  
9 you, as I said, that you understand the nature of the  
10 charges against you. This is a very long indictment.  
11 I'm going to first ask the government and counsel to  
12 advise me as to each one of these defendants what count  
13 you are pleading to. So beginning with Mr. Castillo,  
14 what count is he pleading to?

15 MR. GUTIERREZ: Counts one and two, Your  
16 Honor.

17 MR. MORENO: Both Mr. Castillo and  
18 Mr. Rodriguez are pleading to counts one and two, Your  
19 Honor.

20 THE COURT: Okay. What about  
21 Mr. Camacho?

22 MR. FLORES: Count 42, Judge.

23 MR. MORENO: Mr. Camacho and Chapa are  
24 both pleading to Count 42, Your Honor.

25 THE COURT: That was Camacho and Chapa.

1 MR. MORENO: And Chapa.

2 THE COURT: Okay.

3 MR. MORENO: And Carreon-Ibarra and Rene  
4 Garcia are both pleading to counts 24 and 26. And  
5 Mr. Palencia is pleading to count 20 and 21.

6 THE COURT: Okay. Counsel agree that  
7 those are the charges?

8 MR. DOMINGUEZ: Yes, Your Honor.

9 (All attorneys answer yes, Your Honor.)

10 THE COURT: Okay. Because this is a  
11 little bit of a lengthy indictment here, I'm going  
12 to -- well, I thought I had it in front of me. Didn't  
13 I have a copy of the indictment, Ms. Trevino?

14 CASE MANAGER: Yes.

15 THE COURT: I thought I did. Did I get  
16 it mixed up with someone else? Right here. Right  
17 here.

18 Okay. I'm going to go through and read the  
19 indictment to you as -- and some of it I'm going to go in  
20 the order of the indictment. Since some of you are not  
21 going to be pleading to everything that I read, some of  
22 you will be pleading to some of what I read only. But it  
23 is still important that you listen to me closely and at  
24 the end of when I read through this, I'm going to ask you  
25 whether you understand, and I will come back and identify

1 specifically for you what you are going to plead to. But  
2 it is important that you understand this. And I may  
3 actually ask Mr. Moreno to assist with some of the  
4 reading because it is rather lengthy. Okay. As a matter  
5 of fact -- okay.

6 The indictment charges, and I will begin with  
7 the beginning and then get to the separate counts. The  
8 beginning of the indictment charges that at various times  
9 relevant to the indictment, the Gulf Cartel, a.k.a. "La  
10 Compania" {The Company} is a drug-trafficking and money  
11 laundering organization which imports and distributes  
12 marijuana and cocaine from Mexico into the United States.

13 The Zetas are the enforcement arm of the Gulf  
14 Cartel, "La Compania" and its members engage in  
15 kidnapping, torture, and murder as well as  
16 drug-trafficking and money laundering to further goals of  
17 the organization.

18 One of the unindicted -- or excuse me, unnamed  
19 defendants is a leader and organizer within the Gulf  
20 Cartel and its enforcement arm the Zetas. Certain others  
21 are supervisors of cells within the Gulf Cartel and its  
22 enforcement arm the Zetas. The Gulf Cartel has been a  
23 conflict -- has been in conflict and competition with the  
24 Sinaloa Cartel "Los Chapos" for control of the United  
25 States-Mexico border in and around Laredo, Texas, known

1 as the Laredo -- Nuevo Laredo Plaza.

2                   The manner and means of the conspiracy: It was  
3 a part of the conspiracy that the defendants and other  
4 members of the Gulf Cartel and its enforcement on the  
5 Zetas would import cocaine and marijuana into the United  
6 States from Mexico. It was further part of the  
7 conspiracy that the defendants and other members of the  
8 Gulf Cartel and its enforcement arm, the "Zetas" would  
9 travel in interstate and foreign commerce to affect the  
10 goals of the organization.

11                  It was further part of the conspiracy that the  
12 defendants and other members of the Gulf Cartel and its  
13 enforcement arm, the "Zetas" would secure houses and  
14 apartments in Laredo, Texas to safeguard its controlled  
15 substances.

16                  It was further part of the conspiracy that the  
17 defendants and other members of the Gulf Cartel and its  
18 enforcement arm, the "Zetas" would secure firearms to  
19 safeguard its control substances and its members.

20                  It was further part of the conspiracy that the  
21 defendants and other members of the Gulf Cartel and its  
22 enforcement arm, the "Zetas" would transport firearms in  
23 interstate and foreign commerce to affect the goals of  
24 the organization.

25                  It was further part of the conspiracy that the

1 defendants and other members of the Gulf Cartel and its  
2 enforcement arm, the "Zetas," would recruit and hire  
3 "sicarios" or assassins to protect its territory and  
4 controlled substances from rival drug-trafficking  
5 organizations.

6 It was further part of the conspiracy that the  
7 defendants and other members of the Gulf Cartel and its  
8 enforcement arm, the "Zetas," would obtain transportation  
9 for its "sicarios".

10 It was further part of the conspiracy that the  
11 defendant and other members of the Gulf Cartel and its  
12 enforcement arm, the "Zetas" would rent houses and  
13 apartments to house its "sicarios".

14 It was further part of the conspiracy that the  
15 defendants and other members of the Gulf Cartel and its  
16 enforcement arm, the "Zetas" would utilize the "sicarios"  
17 to kidnap, torture, and murder rivals and informants of  
18 the organization.

19 It was further part of the conspiracy that the  
20 defendant and other members of the Gulf Cartel and its  
21 enforcement arm, the "Zetas," would pay "sicarios" on a  
22 weekly basis with money, controlled substances, and other  
23 items of monetary value to kidnap, torture and murder  
24 rivals and informants of the organization.

25 It was further part of the conspiracy that the

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1 defendants and other members of the Gulf Cartel and its  
2 enforcements arm, the "Zetas," would pay "sicarios" a  
3 bonus of money, controlled substances, and other items of  
4 monetary value after each kidnapping, torture, and murder  
5 of rivals and informants of the organization.

6 Count one: Count one of the indictment, the  
7 drug conspiracy count, charges that beginning on or about  
8 August 2001, and continuing up to and including the date  
9 of this indictment, in the Southern District of Texas and  
10 elsewhere within the jurisdiction of the court, that  
11 certain other named defendants, and this would include  
12 Raul Castillo, who is going to be entering a plea as to  
13 count one: Did knowingly and intentionally conspire and  
14 agree together with each other and with other persons  
15 known and unknown to the grand jury to possess with  
16 intent to distribute a controlled substance.

17 This offense involved: A quantity of  
18 5 kilograms or more of a mixture or substance containing  
19 a detectable amount of cocaine, a Schedule II controlled  
20 substance, and a quantity of 1,000 kilograms or more of a  
21 mixture or substance containing a detectable amount of  
22 marijuana, a Schedule I controlled substance.

23 Okay, Mr. Moreno, I'm going to ask you to  
24 assist the court in reading the overt acts. This is part  
25 of the conspiracy alleged in count one.

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1                          MR. MORENO: I was going to ask whether  
2 the clients wanted them read.

3                          THE COURT: Well.

4                          MR. MORENO: I'll be happy to read it.  
5 I don't know that we actually need them.

6                          THE COURT: Does counsel -- let me maybe  
7 ask counsel. As to Mr. Castillo and I guess  
8 Mr. Rodriguez, your clients will be pleading as to  
9 count one. And mister--.

10                        MR. REYES: Count one.

11                        THE COURT: Excuse me?

12                        MR. REYES: Count one.

13                        THE COURT: Right. But count one  
14 pertains to what the conspiracy that I just read. Do  
15 you waive the reading of the overt acts? I'm not sure  
16 that it's necessary to waive it, but.

17                        MR. MORENO: They're actually only  
18 mentioned in the last three, if you like we can read  
19 the last three.

20                        THE COURT: Okay. The last three.  
21 Okay, Let me just concentrate on the last three.

22                        MR. MORENO: So overt act Number 64:  
23 Alleges that on August 12th, 2007, Raul Castillo and  
24 other coconspirators, known and unknown to the grand  
25 jury, attempted to ship approximately 166 kilograms of

1 cocaine to Dallas, Texas.

2 Overt act number 65: Alleges that on  
3 August 14th, 2007, Raul Castillo and other  
4 coconspirators, known and unknown to the grand jury,  
5 attempted to ship approximately 88 kilograms of cocaine  
6 to Dallas, Texas.

7 And overt act Number 66: Alleges that on or  
8 about February 8th, 2008, Raul Castillo and Jorge  
9 Rodriguez and other coconspirators, known and unknown, to  
10 the grand jury, attempted to transport approximately  
11 \$870,535.00 from Dallas, Texas to Nuevo Laredo,  
12 Tamaulipas, Mexico all in violation of Title 21, U.S.  
13 Code, Sections 846, 841(a)(1) and 841 (b)(1)(A).

14 THE COURT: Okay. So that's count one.  
15 The other count here is count two that certain of you  
16 will also be pleading to count two: The money  
17 laundering conspiracy charges that beginning on or  
18 about August 2001 and continuing up to and including  
19 the date of this indictment in the Southern District of  
20 Texas and elsewhere within the jurisdiction of this  
21 court, that certain of the defendants, and in  
22 particular pertinent here is Raul Castillo and  
23 Rodriguez, Jorge Rodriguez, did knowingly and  
24 intentionally conspire and agree with other persons  
25 known and unknown to the grand jury to conduct and

1 attempt to conduct financial transactions affecting  
2 interstate and foreign commerce then well knowing that  
3 the financial transactions involved the proceeds of  
4 some form of unlawful activity, that is, the sale and  
5 distribution of controlled substances which property  
6 involved in the financial transactions represented the  
7 proceeds of a specified unlawful activity, that is the  
8 sale and distribution of controlled substances with,  
9 one, the intent to promote the carrying on of specified  
10 unlawful activity; namely, the sale and distribution of  
11 controlled substances.

12 And, two, knowing that the transactions were  
13 designed in whole or in part to conceal and disguise the  
14 nature, location, source, ownership, and control of the  
15 proceeds of the said specified unlawful activity in  
16 violation of Title 18, United States Code, Section 1956  
17 (a)(1) and to transport and transfer and attempt to the  
18 transport and transfer monetary instruments and funds,  
19 that is, United States currency from a place in the  
20 United States to a place outside the United States with  
21 the intent to promote the carrying on of a specified  
22 unlawful activity, that is, the sale and distribution of  
23 controlled substances in violation of Title 18, United  
24 States Code, Section 1956(a)(2)(a), and in violation of  
25 Title 18, United States Code, Section 1956(h). That's

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1 count two.

2 The next count that I'm going to move to is

3 Count 20.

4 MR. MORENO: Would you like me to read  
5 it, ma'am?

6 THE COURT: Yes, please.

7 MR. MORENO: Count 20 from on or about  
8 January 25th, 2006, and continuing to on or about  
9 January 26th, 2006, in the Southern District of Texas  
10 and elsewhere and within the jurisdiction of the court,  
11 Defendants Arturo Palencia and others, aiding and  
12 abetting each other, did knowingly and intentionally  
13 possess with intent to distribute a controlled  
14 substance. This offense involved a quantity of 100  
15 kilograms or more of a mixture or substance containing  
16 a detectable amount of marijuana, a Schedule I  
17 controlled substance, in violation of Title 21, United  
18 States Code, Sections 841(a)(1) and 841(b)(1)(B) and  
19 Title 18, United States Code, Section 2.

20 THE COURT: And then 21 as well, if  
21 you'll--.

22 MR. MORENO: And then 21 alleges that on  
23 or about January 26th, 2006, in the Southern District  
24 of Texas and elsewhere and within the jurisdiction of  
25 the court, the defendants alleged here and Arturo

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1 Palencia, aiding and abetting each other, did knowingly  
2 and intentionally:

3 A)Carry use and discharge a firearm, that is  
4 the model and type unknown to the grand jury during and  
5 in relation to and

6 B)Possess and discharge a firearm, that is the  
7 model and type unknown to the Grand Jury in furtherance  
8 of

9 A drug trafficking crime which may be  
10 prosecuted in a court of the United States, that is,  
11 conspiracy to possess and possession with intent to  
12 distribute a controlled substance as charged in Counts 1  
13 and 20 of the indictment in violation of Title 18, United  
14 States Code, Section 924(c)(A)(1)(A)3 or  
15 (iii)924(c)(1)(c)(i), and 2.

16 THE COURT: Okay. Mr. Palencia, those  
17 were the charges as I understand to which you will be  
18 pleading. All right. 24 I guess.

19 MR. MORENO: Twenty-four and 26.

20 THE COURT: Okay.

21 MR. MORENO: Count 24 charges that on or  
22 about February 8th, 2006, in the Southern District of  
23 Texas and elsewhere and within the jurisdiction of the  
24 court, the defendants -- let me see, Eduardo  
25 Carreon-Ibarra and Rene Garcia and other

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1 coconspirators, known and unknown to the grand jury,  
2 aiding and abetting each other, did travel in foreign  
3 commerce, that is to and from the United States and to  
4 and from Mexico and use a facility in interstate and  
5 foreign commerce, that is a cellular telephone, with  
6 the intent to commit a crime of violence to further an  
7 unlawful activity, that is a business enterprise  
8 involved in controlled substances in violation of Title  
9 21, United States Code, Sections 841(a)(1) and 846, and  
10 thereafter intentionally and knowingly attempted to  
11 commit a crime of violence to further such unlawful  
12 activity, in violation of Title 18, United States Code,  
13 Section 1952 (a)(2)(b)and Section 2.

14 And then Count 26 alleges that on or about  
15 February -- from on or about February 18th, 2006, and  
16 continuing to on or about February 19th, 2006, in the  
17 Southern District of Texas and within the jurisdiction of  
18 the court, Rene Garcia and Eduardo Carreon-Ibarra, aiding  
19 and abetting each other did knowingly and intentionally  
20 possess at least one firearm, to-wit: an AR-15, 223  
21 caliber machine gun, with an obliterated serial number;  
22 B: a MAK-90, 7.62X39mm caliber semi-automatic assault  
23 rifle, serial number 91784. C: A Glock, 40 caliber  
24 pistol, serial number FCM759. And D: Smith and Wesson,  
25 9mm caliber pistol, serial number TCL4868.

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1                   In furtherance of a crime of violence which may  
2 be prosecuted in a court of the United States, that is,  
3 interstate travel and aid of racketeering as charged in  
4 Count 24 of the indictment and a drug trafficking crime  
5 which may be prosecuted in the United States, that is, a  
6 conspiracy to possess with intent to distribute a  
7 controlled substance as charged in count one of the  
8 indictment in violation of Title 18, United States Code,  
9 Section 924(c)(1)(A)(i), 924(c)(1)(B)(ii) in Section 2.

10                  THE COURT: Okay.

11                  MR. MORENO: And then we go to--.

12                  THE COURT: Forty-two.

13                  MR. MORENO: Count 42 alleges that on or  
14 about April 10th, 2006, in the Southern District of  
15 Texas and within the jurisdiction of the court,  
16 defendants Gustavo Fabian Chapa and Roberto Camacho and  
17 other coconspirators known and unknown to the Grand  
18 Jury, aiding and abetting each other, did knowingly and  
19 intentionally possess with intent to distribute a  
20 controlled substance. This substance involved a  
21 quantity of less than 500 grams of a mixture or  
22 substance containing a detectable amount of cocaine, a  
23 Schedule II controlled substance

24                  In violation of Title 21, United States Code,  
25 Section 841(a)(1), 841(b)(1)(c), and Title 18, United

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1 States Code, Section 2.

2 THE COURT: Okay. We read all the  
3 charges. And some of you are only pleading to certain  
4 of those charges, but it is important, nonetheless,  
5 that you each understand the charges against you.

6 Mr. Castillo and Mr. Rodriguez, you heard the  
7 court read the first charge that is the conspiracy, and  
8 then second charge which was the money laundering  
9 conspiracy charge. Do you each understand those charges  
10 against you?

11 DEFENDANT CASTILLO: Yes.

12 DEFENDANT RODRIGUEZ: Yes, Your Honor.

13 THE COURT: Let me ask the other  
14 defendants, and I will come back and ask that general  
15 question. Okay. As to Mr. Carreon and Mr. Garcia, you  
16 heard the charges set out in Counts 20 and 21, that is  
17 the possession with intent to distribute marijuana and  
18 the use of a firearm and drug-trafficking crime -- I'm  
19 sorry--.

20 MR. MORENO: That was 24 and 26.

21 THE COURT: That was 24 and 26. I'm  
22 sorry, my mistake. Let me do what I meant to do, and  
23 that's as to Mr. Palencia.

24 MR. MORENO: Palencia.

25 THE COURT: The charges against you are

1 the possession with intent to distribute marijuana and  
2 the use of a firearm in a drug-trafficking crime. Do  
3 you understand that those are the charges against you?

4 DEFENDANT PALENCIA: Yes, ma'am.

5 THE COURT: Okay. Now moving on to  
6 Mr. Carreon and Mr. Garcia. Your Count 24 was the  
7 attempted murder count and the Count 26 was the use of  
8 a firearm in connection with a crime of violence in a  
9 drug-trafficking crime. Do you each understand those  
10 are the charges against you?

11 DEFENDANT CARREON: Yes, ma'am.

12 DEFENDANT GARCIA: Yes.

13 THE COURT: And then finally as to  
14 Mr. Chapa and Mr. Camacho, the possession with intent  
15 to distribute cocaine, Count 42. Do you understand  
16 that those are the charges against you?

17 DEFENDANT CHAPA: Yes.

18 DEFENDANT CAMACHO: Yes.

19 THE COURT: Okay. Now have each one of  
20 you had the opportunity to discuss these charges with  
21 your attorney?

22 DEFENDANT CASTILLO: Yes, Your Honor.

23 DEFENDANT CAMACHO: Yes, Your Honor.

24 DEFENDANT CARREON: Yes.

25 DEFENDANT RODRIGUEZ: Yes.

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1 DEFENDANT CHAPA: Yes.

2 DEFENDANT GARCIA: Yes.

3 DEFENDANT PALENCIA: Yes.

4 THE COURT: Is each one of you satisfied  
5 with the services of your attorney?

6 DEFENDANT CASTILLO: Yes, Your Honor.

7 DEFENDANT CAMACHO: Yes, Your Honor.

8 DEFENDANT CARREON: Yes.

9 DEFENDANT RODRIGUEZ: Yes.

10 DEFENDANT CHAPA: Yes.

11 DEFENDANT GARCIA: Yes.

12 DEFENDANT PALENCIA: Yes.

13 THE COURT: Now do you each understand  
14 that you have the right to enter a plea of not guilty  
15 to these charges, that if you wish to enter a plea of  
16 not guilty to these charges, we will set this matter  
17 for trial. A jury will be selected to hear the  
18 evidence against you. The government will present  
19 their evidence both through any live witnesses that  
20 they may have as well as through any sort of  
21 documentary evidence that they will present. You will  
22 have the right through your attorneys to ask questions  
23 of these witnesses. You will have the right to bring  
24 any witnesses of your own that you wish to testify on  
25 your behalf. You will also have the right to testify,

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1 if you wish to testify. However, you will also have  
2 the right to choose not to testify, and if you choose  
3 not to testify, that cannot be held against you. Do  
4 you each understand that these are rights that you  
5 have, if you wish to enter a plea of not guilty to  
6 these charges?

7 DEFENDANT CASTILLO: Yes, Your Honor.

8 DEFENDANT CAMACHO: Yes, Your Honor.

9 DEFENDANT CARREON: Yes.

10 DEFENDANT RODRIGUEZ: Yes.

11 DEFENDANT CHAPA: Yes.

12 DEFENDANT GARCIA: Yes.

13 DEFENDANT PALENCIA: Yes.

14 THE COURT: Do you understand that if  
15 you enter a plea of guilty to these charges that you  
16 are giving up these rights because if you enter a plea  
17 of guilty to these charges I will be the one that  
18 decides whether you are guilty rather than having a  
19 jury decide whether you are guilty, and the way I will  
20 determine whether you are guilty is by listening to the  
21 facts that the government says would be proven in this  
22 case. I will ask you and your attorneys whether  
23 there's any disagreement about those facts. If there  
24 is, we'll sort out what is agreed to. And then based  
25 on what is presented to me, I will decide whether you

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1 are guilty rather than having a jury decide whether you  
2 are guilty based on the testimony of the witnesses and  
3 based on the documents that are admitted into evidence.

4 So, in other words, if you enter not guilty,  
5 the jury decides. If you enter guilty, I decide. Do you  
6 each understand that?

7 DEFENDANT CASTILLO: Yes, Your Honor.

8 DEFENDANT CAMACHO: Yes, Your Honor.

9 DEFENDANT CARREON: Yes.

10 DEFENDANT RODRIGUEZ: Yes.

11 DEFENDANT CHAPA: Yes.

12 DEFENDANT GARCIA: Yes.

13 DEFENDANT PALENCIA: Yes.

14 THE COURT: And understanding that, do  
15 you wish to give up those rights that I explained to  
16 you to have a jury decide the case? Do you each wish  
17 to give that up? And that would include the other  
18 rights about having the witnesses testify live, having  
19 the documents admitted into evidence, you being able to  
20 call in witnesses of your own, and you being able to  
21 choose to testify or not testify. All of those rights  
22 you would be giving up by entering as a plea of guilty.  
23 And do you wish to do that?

24 DEFENDANT CASTILLO: Yes, Your Honor.

25 DEFENDANT CAMACHO: Yes, Your Honor.

1 DEFENDANT CARREON: Yes.

2 DEFENDANT RODRIGUEZ: Yes.

3 DEFENDANT CHAPA: Yes.

4 DEFENDANT GARCIA: Yes.

5 DEFENDANT PALENCIA: Yes.

6 THE COURT: Okay. Now each one of you

7 has signed a plea agreement with the government. It is

8 very important that you understand that a plea

9 agreement with the government is an agreement that you

10 have with the government. It is not an agreement with

11 the court, that is, it's not an agreement with me.

12 When you enter into a plea agreement with the

13 government, you agree with the government that you will

14 give up certain rights in exchange for which the

15 government agrees that they will do certain things for

16 you. Like, for example, they will not charge you with

17 or they will not prosecute the other charges that are

18 here pending against you. Most of you have more than

19 one charge here or some of you are pleading to two and

20 some of you only to one.

21 But a lot of times in a plea agreement the

22 government agrees to give up certain other charges

23 against you or they also agree to make certain

24 recommendations to the court. Okay. Now as far as you

25 know the other charges, it is up to the government to

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1 decide whether they pursue those or not, and they've  
2 agreed in a plea agreement not to do so. But as far as  
3 recommendations that they make to the court, they are  
4 only recommendations. In other words, if you do enter a  
5 plea of guilty and I find you guilty, and at the time of  
6 sentencing the government makes the recommendations that  
7 they have agreed to make to the court, it is up to me to  
8 decide whether I will accept those recommendations. If I  
9 decide to accept those recommendations, obviously, I'll  
10 follow them. But if I decide I will not accept the  
11 recommendations, I can sentence you to whatever I decide  
12 will be an appropriate sentence so long as they don't go  
13 above what the statute provides, the law that is. But I  
14 don't have to allow you to withdraw your plea of guilty.  
15 Do you each understand that?

16 DEFENDANT CASTILLO: Yes, Your Honor.

17 DEFENDANT CAMACHO: Yes, Your Honor.

18 DEFENDANT CARREON: Yes.

19 DEFENDANT RODRIGUEZ: Yes.

20 DEFENDANT CHAPA: Yes.

21 DEFENDANT GARCIA: Yes.

22 DEFENDANT PALENCIA: Yes.

23 THE COURT: Okay. And it is very  
24 important for you to understand also that it is up to  
25 me to determine what your sentence will be. Again, the

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1 government may make a recommendation about what the  
2 government thinks what your sentence should be, and  
3 that may be part of your agreement with the government,  
4 that they will recommend a certain sentence to me, but  
5 I don't have to accept it. I don't have to sentence  
6 you to whatever you and the government think would be  
7 the correct sentence for you. I decide what the  
8 sentence will be. I decide that at the time of  
9 sentencing. I will not tell you right now what your  
10 sentence is going to be. I will not promise you  
11 anything by way of your sentence. I will decide it at  
12 the time of sentencing. I will decide it based on all  
13 the information that is presented to me, which will  
14 include your background in general, your criminal  
15 history, it includes employment, it includes family.  
16 It includes all of those things. I take those into  
17 account at the time of sentencing, and anything else  
18 that you wish to present to me, I will consider, and I  
19 will then decide what the sentence will be. But I am  
20 not bound to follow whatever recommendation the  
21 government makes to me. Do you each understand that?

22 DEFENDANT CASTILLO: Yes, Your Honor.

23 DEFENDANT CAMACHO: Yes, Your Honor.

24 DEFENDANT CARREON: Yes.

25 DEFENDANT RODRIGUEZ: Yes.

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1 DEFENDANT CHAPA: Yes.

2 DEFENDANT GARCIA: Yes.

3 DEFENDANT PALENCIA: Yes.

4 THE COURT: Okay. And even if I do not  
5 follow the recommendations made to me by the  
6 government, I don't have to allow you to withdraw your  
7 plea of guilty. Do you understand that?

8 DEFENDANT CASTILLO: Yes.

9 DEFENDANT CAMACHO: Yes.

10 DEFENDANT CARREON: Yes.

11 DEFENDANT RODRIGUEZ: Yes.

12 DEFENDANT CHAPA: Yes.

13 DEFENDANT GARCIA: Yes.

14 DEFENDANT PALENCIA: Yes.

15 THE COURT: Now, I'm going to have the  
16 government go through and specify for each one of you  
17 what the possible sentence that you may be looking at  
18 under the statute here is, and then I'll ask you some  
19 questions.

20 Mr. Moreno, in any order that is easiest for  
21 you.

22 MR. MORENO: Let's try to stay in the  
23 same way. As to count one for Mr. Castillo and  
24 Mr. Rodriguez, a conspiracy under Title 21, United  
25 States Code, Section 846, as charged in the indictment

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1 carries a sentence to include a mandatory minimum term  
2 of imprisonment of ten years imprisonment for life and  
3 a fine of not more than \$4 million, and, additionally,  
4 the defendants may receive a term of supervised release  
5 of imprisonment, of release after imprisonment, for up  
6 to five years. The statutory maximum statutory penalty  
7 for each of the violations of Count 2, the money  
8 laundering conspiracy is for imprisonment for 20 years  
9 and a fine of either \$500,000 or twice the value of the  
10 money involved in the transaction, whichever is  
11 greater. Additionally, each defendant may receive a  
12 term of supervised release after imprisonment of up to  
13 three years.

14 THE COURT: Okay. Let me address these  
15 one by one so that I don't get all confused here.

16 Okay. Mr. Castillo and Mr. Rodriguez, you've  
17 heard the government state what the possible sentence  
18 could be under the statute as to Count 1, and that's  
19 probably the one that maybe concerns you a little bit  
20 more. It's a minimum of ten years. Do you each  
21 understand that, Mr. Castillo?

22 DEFENDANT CASTILLO: Yes, Your Honor.

23 THE COURT: Okay. Now you're also  
24 pleading to Count 2. Count 2 was up to 20 years. But  
25 I want to make sure that you understand that it's a

1 minimum of ten years as to count one.

2 DEFENDANT CASTILLO: Yes.

3 THE COURT: Mr. Rodriguez, the same is  
4 true for you. Mr. Rodriguez is right here, okay. Do  
5 you understand that?

6 DEFENDANT RODRIGUEZ: Yes, ma'am.

7 THE COURT: So absent some other  
8 provision, and I don't know in your cases whether there  
9 is anything else. Is there any other possibilities  
10 here for either?

11 MR. MORENO: No enhancements or anything  
12 like that.

13 THE COURT: Okay. So then you each  
14 understand you're looking at, at least ten years. Now  
15 as to Count 1 -- as to Count 2. And as to Count 1 it  
16 could be up to life. As to Count 2 it could be up to  
17 20 years, but it wouldn't be under, in any event, for  
18 any reason. There are certain other things like the  
19 fines, the penalties. The term of supervised release  
20 included as well that Mr. Moreno just stated. Do you  
21 each understand that?

22 DEFENDANT CASTILLO: Yes, ma'am.

23 DEFENDANT RODRIGUEZ: Yes, ma'am.

24 THE COURT: Okay. All right. Let's  
25 move on to I guess mister--.

1 MR. MORENO: Mr. Palencia on Count 20  
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and 21. Count 20 charges him with intent to distribute more than 100 kilograms of marijuana, in violation of Title 21, USC, 846, 841(b)(1)(B) to include a mandatory minimum term of imprisonment of five years. His imprisonment up to 40 years, and a fine of no more than two-million dollars. Additionally, the defendant may receive a term of supervised release after imprisonment of up to four years. And the statutory penalty -- maximum penalty for each violation of 18 USC, 924(c)(1)(A)(iii), and 924(c)(1)(D) is to include a consecutive mandatory minimum term of imprisonment of ten years, is imprisonment for life, and a fine of not more than \$250,000. Additionally, he may receive a term of supervised release after imprisonment of up to five years.

THE COURT: Okay. Mr. Palencia, it's important that you understand as well that you are looking for Count 20 at a minimum of five years. That means you won't get anything less than five years. But, and more importantly, as to Count 21, it's a minimum of ten years consecutive, that is in addition to the minimum of five years as to Count 20. So, in other words, Count 20 at the minimum, at the least would be five years. Count 21 at the least would be

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1 ten years, but added to the five years. They wouldn't  
2 run together. And that's of course in addition to the  
3 other fines, the penalties, and the term of supervised  
4 release that the government addressed. Do you  
5 understand that?

6 DEFENDANT PALENCIA: Yes, ma'am.

7 THE COURT: All right.

8 MR. MORENO: As to Mr. Eduardo  
9 Carreon-Ibarra and Mr. Rene Garcia on Counts 24 and 26.  
10 Count 24, the ITAR violation, interstate and foreign  
11 travel and transportation and aid of racketeering. The  
12 statutory maximum penalty for each violation of  
13 1952(a)(2)(B) is imprisonment for not more than 20  
14 years, and a fine of not more than \$250,000.  
15 Additionally, the defendants may receive a term of  
16 supervised release of up to three years. The statutory  
17 violation for Count 26 and 924(c)(1)(A)(i) and  
18 (c)(1)(B)(ii) is to include a consecutive minimum term  
19 of imprisonment of five years, is imprisonment of life,  
20 no more than life, and a fine of no more than \$250,000.  
21 Additionally, each defendant may receive a term of  
22 supervised release after imprisonment of up to five  
23 years.

24 THE COURT: Okay. So then, Mr. Carreon  
25 and Mr. Garcia, as to Count 24 you would be looking at

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1 up to 20 years. That one doesn't have a minimum.

2 Okay. But in addition to whatever you receive for

3 Count 24, you would be receiving in addition to that a

4 minimum of five years, that is, whatever the court

5 sentences you to on Count 24, you will get plus a

6 minimum of five years. I don't know what you will

7 actually get, but you need to make sure that you

8 understand that combined you're looking at something

9 over five years. Do you each understand that?

10 DEFENDANT CARREON: Yes, ma'am.

11 DEFENDANT GARCIA: Yes, Your Honor.

12 THE COURT: And then finally.

13 MR. MORENO: Mr. Camacho and mister.

14 Roberto Camacho and Gustavo Fabian Chapa in Count 42,

15 Your Honor, which charges possession with intent to

16 distribute less than 500 grams of cocaine. The

17 statutory maximum penalty for each violation of Title

18 21, United States Code, Sections 846 and 841(b)(1)(C)

19 is imprisonment for 20 years, and a fine of not more

20 than \$1 million. Additionally, each defendant may

21 receive a term of supervised release after imprisonment

22 of not less than three years.

23 THE COURT: Okay. So, Mr. Camacho and

24 Mr. Chapa. Do you understand that you are looking at

25 the possibility of up to 20 years. These don't have a

1 minimum under the statute. But you're looking at the  
2 possibility of up to 20 years. Do you each understand  
3 that?

4 DEFENDANT CAMACHO: Yes, Your Honor.

5 DEFENDANT CHAPA: Yes, Your Honor.

6 THE COURT: Okay. Now the other thing  
7 that is important for you each to understand is that in  
8 addition, and this is -- sometimes it sounds a little  
9 odd to people that don't work within the system. But  
10 this is what we refer to as the statutory penalties.  
11 What the law, you know, that you are alleged to have  
12 violated says you would receive by way of sentence. We  
13 have something else that we refer to as the guidelines.  
14 They are also law in some respect, but not something  
15 that I have to follow. Let me explain that to you a  
16 little bit further, okay:

17 The guidelines are something that is determined  
18 by looking at your criminal history and looking at this  
19 particular offense. So we take this offense and we give  
20 it a certain number. We take your criminal history,  
21 based on whatever you may have, and I haven't gone  
22 through and looked at each one of you, but I do  
23 understand that some of you have criminal history. And  
24 we take that and we give that a certain number. We take  
25 those two things together. And your attorneys may have

1 shown you a chart that looks something like this. Maybe  
2 not colored orange, but that has numbers down the side.  
3 Numbers across the top. We take the offense. We take  
4 your criminal history. We put them on this chart,  
5 wherever they meet we have a range of months.

6 For example, here we have 63 to 78. So we have  
7 a range of months about where the guidelines place you.  
8 That will be determined for each one of you. I don't  
9 know, again, what that may be. So your lawyer may have  
10 given you some idea of where your lawyer thinks you may  
11 fall, but there are certain things that you need to  
12 understand about the guidelines. First of all, they are  
13 just guidelines. I should consider them. I should  
14 decide what the correct guideline is, but I do not have  
15 to follow the guideline. At the time of sentencing, I  
16 can decide to sentence you within the guidelines, if I  
17 think that's the appropriate sentence. I can decide to  
18 sentence you below the guidelines, if I think that is the  
19 appropriate sentence or I can decide to sentence you  
20 above the guideline, again, based on what I determine to  
21 be appropriate. The only thing I can't do is go outside  
22 the statutory penalties that we just talked about a  
23 little while ago.

24 So, for example, I told you some of you are  
25 looking at a minimum of ten, some a minimum of five, and

1 some in addition to one count you're adding on another  
2 count. The guidelines are something that I should  
3 consider, but, again, I don't have to follow them. Now  
4 your lawyers may have given you some idea of where you  
5 fall in the guidelines, but there's no way that your  
6 lawyers can promise you or guarantee to you that this is  
7 where, first of all, where you will be in the guidelines  
8 or that this is where you are going to be sentenced  
9 because, I, as I said, I don't decide that until the time  
10 of sentencing. Do you each understand that?

11 DEFENDANT CASTILLO: Yes.

12 DEFENDANT CAMACHO: Yes.

13 DEFENDANT CARREON: Yes.

14 DEFENDANT RODRIGUEZ: Yes.

15 DEFENDANT CHAPA: Yes.

16 DEFENDANT GARCIA: Yes.

17 DEFENDANT PALENCIA: Yes.

18 THE COURT: Okay. Has any one of you  
19 been promised that if you enter a plea of guilty that  
20 you will get this particular sentence. For example,  
21 has anybody told you, if you enter a plea of guilty, I  
22 promise you that you will not get more than the  
23 five-year minimum that the law says you should get or  
24 more than the ten-year minimum that the law says you  
25 should get or anything of that nature? Has anybody

1 made you a promise about the sentence that you will  
2 receive if you enter a plea of guilty?

3 DEFENDANT CASTILLO: No, Your Honor.

4 DEFENDANT CAMACHO: No.

5 DEFENDANT CARREON: No.

6 DEFENDANT RODRIGUEZ: No.

7 DEFENDANT CHAPA: No.

8 DEFENDANT GARCIA: No.

9 DEFENDANT PALENCIA: No.

10 THE COURT: Okay. Has anybody  
11 guaranteed to you that you will get a particular range?  
12 In other words, I guarantee that if you enter a plea of  
13 guilty you will be looking at, for example, 100 to 125  
14 months or anything like that where somebody has told  
15 you, you know, even though I'm not telling you that  
16 this is the exact sentence you will get, I can tell you  
17 that you won't get more than this or more than that.  
18 Has anybody given you that type of guarantee or  
19 promise?

20 DEFENDANT CASTILLO: No, Your Honor.

21 DEFENDANT CAMACHO: No.

22 DEFENDANT CARREON: No.

23 DEFENDANT RODRIGUEZ: No.

24 DEFENDANT CHAPA: No.

25 DEFENDANT GARCIA: No.

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1 DEFENDANT PALENCIA: No.

2 THE COURT: Okay. Okay. Do we have  
3 waivers of appeal and collateral attack on these?

4 MR. MORENO: They all have waivers of  
5 appeal, Your Honor.

6 THE COURT: Each one of you as part of  
7 your plea agreement -- and, actually, let me go ahead  
8 and address this. I talked about this earlier. Each  
9 one of you has a plea agreement here with the  
10 government. Now I have them all in front of me. As to  
11 Mr. Palencia, Mr. Castillo, well, each one of you, have  
12 the agreement that indicates your signature on the  
13 agreement. Did each one of you sign the agreement that  
14 bears your signature here in front of the court?

15 DEFENDANT CASTILLO: Yes.

16 DEFENDANT CAMACHO: Yes.

17 DEFENDANT CARREON: Yes.

18 DEFENDANT RODRIGUEZ: Yes.

19 DEFENDANT CHAPA: Yes.

20 DEFENDANT GARCIA: Yes.

21 DEFENDANT PALENCIA: Yes.

22 THE COURT: And did you sign that  
23 agreement after reviewing it with your attorney?

24 DEFENDANT CASTILLO: Yes.

25 DEFENDANT CAMACHO: Yes.

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1 DEFENDANT CARREON: Yes.

2 DEFENDANT RODRIGUEZ: Yes.

3 DEFENDANT CHAPA: Yes.

4 DEFENDANT GARCIA: Yes.

5 DEFENDANT PALENCIA: Yes.

6 THE COURT: Okay. Mr. Palencia I

7 believe is the only one doing this with an interpreter,

8 correct? I don't have anybody else. Mr. Palencia, in

9 your case the agreement is in English. You have been

10 proceeding here with an interpreter. The proceedings

11 are being translated for you into the Spanish language.

12 Did you have the plea agreement translated for you into

13 the Spanish language before you signed it?

14 DEFENDANT PALENCIA: Yes, ma'am.

15 THE COURT: Now did each of you

16 understand that by entering into this plea agreement

17 you are bound, you bind, you promise to do what is here

18 in this plea agreement?

19 DEFENDANT CASTILLO: Yes.

20 DEFENDANT CAMACHO: Yes.

21 DEFENDANT CARREON: Yes.

22 DEFENDANT RODRIGUEZ: Yes.

23 DEFENDANT CHAPA: Yes.

24 DEFENDANT GARCIA: Yes.

25 DEFENDANT PALENCIA: Yes.

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1                   THE COURT: Okay. Now part of what you  
2 promised to do is you promised to give up your right to  
3 an appeal, your right to a collateral attack. Let me  
4 explain to you what those things are, and then I'll ask  
5 you whether this is what you wish to do. Generally,  
6 that is most of the time you have a right to appeal a  
7 case such as this to a higher court, the Court of  
8 Appeals, if you believe that I, that this court has  
9 made some sort of mistake that would change your  
10 conviction or change your sentence. You can go to the  
11 higher court. You present your position to them. You  
12 explain to them through your lawyer and through the  
13 documents what you think was done wrong. If the higher  
14 court agrees that a mistake was made, then most of the  
15 time they send it back to this court to be corrected.

16                   Sometimes it could change your conviction. In  
17 other words, if I find you guilty and the higher court  
18 says, no, you shouldn't have been found guilty, then this  
19 court has to find you not guilty. Or if I sentence you  
20 and the higher court says, no, he shouldn't have been  
21 sentenced to that much time. It should have been  
22 different. Then, again, I have to change the sentence.  
23 That's a right that you generally have. You don't have  
24 to do anything special here in this court other than at  
25 the right time file your notice of appeal.

1           The other thing that I refer to is what we call  
2 a collateral attack sometimes referred to as 2255. That  
3 is a way by which you can also complain about your  
4 conviction or your sentence directly to this court. You  
5 present your claim to this court. You explain to this  
6 court why you think that this court made a mistake that  
7 should change your conviction or change your sentence.  
8 And if this court agrees with you -- and this doesn't  
9 mean that every kind of mistake, certain kinds of  
10 mistakes only. But if this court agrees that that kind  
11 of mistake was made, again, it could mean that if this  
12 court found you guilty, you wouldn't be found guilty. If  
13 the court sentenced you to particular sentence, that  
14 sentence might have to be changed.

15           There's of course a lot of detail, and I have  
16 explained it very generally. But it's important that you  
17 understand that you have those rights without having to  
18 do anything other than at the appropriate time file the  
19 right papers with this court or with the Court of  
20 Appeals. Do you each understand that those are rights  
21 that you have?

22           DEFENDANT CASTILLO: Yes.

23           DEFENDANT CAMACHO: Yes.

24           DEFENDANT CARREON: Yes.

25           DEFENDANT RODRIGUEZ: Yes.

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1 DEFENDANT CHAPA: Yes.

2 DEFENDANT GARCIA: Yes.

3 DEFENDANT PALENCIA: Yes.

4 THE COURT: If you give up those rights,

5 that means that you cannot complain to the Court of  
6 Appeals. You cannot complain back to this court. If  
7 you give up those rights, and if I find you guilty and  
8 if I sentence you, that would be the end of your case.

9 You would, you know, if convicted, you would be  
10 convicted. If sentenced, you would have to live with  
11 your sentence until it was completed. Do you each  
12 understand that?

13 DEFENDANT CASTILLO: Yes.

14 DEFENDANT CAMACHO: Yes.

15 DEFENDANT CARREON: Yes.

16 DEFENDANT RODRIGUEZ: Yes.

17 DEFENDANT CHAPA: Yes.

18 DEFENDANT GARCIA: Yes.

19 DEFENDANT PALENCIA: Yes.

20 THE COURT: Okay. In this case the  
21 government has agreed that in exchange for your plea of  
22 guilty and giving up the right to appeal and the right  
23 to a collateral attack, they will make recommendations  
24 to the court about certain points as they relate to the  
25 guidelines that I explained a few minutes ago. Okay.

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1       But, again, it's important that you understand that  
2       even if I don't follow the recommendation of the  
3       government about what your sentence will be, if you  
4       have given up your right to appeal and your right to a  
5       collateral attack, you cannot complain about either the  
6       conviction or the sentence. Do you understand that?

7                   DEFENDANT CASTILLO: Yes.

8                   DEFENDANT CAMACHO: Yes.

9                   DEFENDANT CARREON: Yes.

10                  DEFENDANT RODRIGUEZ: Yes.

11                  DEFENDANT CHAPA: Yes.

12                  DEFENDANT GARCIA: Yes.

13                  DEFENDANT PALENCIA: Yes.

14                  THE COURT: And with this understanding,  
15       do you each wish to give up the right to appeal and the  
16       right to a collateral attack as I explained?

17                  DEFENDANT CASTILLO: Yes, Your Honor.

18                  DEFENDANT CAMACHO: Yes.

19                  DEFENDANT CARREON: Yes.

20                  DEFENDANT RODRIGUEZ: Yes.

21                  DEFENDANT CHAPA: Yes.

22                  DEFENDANT GARCIA: Yes.

23                  DEFENDANT PALENCIA: Yes.

24                  THE COURT: Okay. Something that I  
25       usually address early on, and I failed to address, that

1 is that each of you is represented here by counsel.  
2 And it is important that you understand that you do  
3 have the right to be represented by counsel throughout  
4 these proceeding here, that includes in the beginning  
5 of the case or all the way to the end of the case, even  
6 if you cannot afford an attorney. Do you each  
7 understand that?

8 DEFENDANT CASTILLO: Yes, Your Honor.

9 DEFENDANT CAMACHO: Yes.

10 DEFENDANT CARREON: Yes.

11 DEFENDANT RODRIGUEZ: Yes.

12 DEFENDANT CHAPA: Yes.

13 DEFENDANT GARCIA: Yes.

14 DEFENDANT PALENCIA: Yes, ma'am.

15 THE COURT: Okay. Is there anything  
16 else of significance in the plea agreement, other than  
17 the general terms that need to be addressed as to  
18 each -- as to anyone of these defendants, Mr. Moreno,  
19 that you can think of?

20 MR. MORENO: No, Your Honor.

21 THE COURT: As to any counsel, anything  
22 that they can think of in the plea agreement other than  
23 what I have covered already of the standard agreements?

24 MR. REYES: No, Your Honor.

25 MR. FLORES: No, Your Honor.

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1                   THE COURT: Okay. Then I'm close to the  
2 end of my questioning then. Let me just ask a few more  
3 questions, okay. I've covered all the questions to  
4 make sure that you each understand what you are doing  
5 here. But, again, it is very important that you have a  
6 full understanding, so I don't usually do this, but  
7 this case being as complex as it is, I'll ask whether  
8 any one of the defendants here has any questions to the  
9 court about the things that I've covered or about your,  
10 you know, agreement or about your plea or anything that  
11 you feel like you have not understood, your lawyer has  
12 not been able to answer for you. Anything that you  
13 want explained any further.

14                   DEFENDANT CASTILLO: No, Your Honor.

15                   DEFENDANT CAMACHO: No.

16                   DEFENDANT CARREON: No.

17                   DEFENDANT RODRIGUEZ: No.

18                   DEFENDANT CHAPA: No.

19                   DEFENDANT GARCIA: No.

20                   DEFENDANT PALENCIA: No.

21                   THE COURT: I got a no from everybody?

22 Okay. All right. Do you each wish to enter a plea of  
23 guilty freely and voluntarily?

24                   DEFENDANT CASTILLO: Yes, Your Honor.

25                   DEFENDANT CAMACHO: Yes.

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1 DEFENDANT CARREON: Yes.

2 DEFENDANT RODRIGUEZ: Yes.

3 DEFENDANT CHAPA: Yes.

4 DEFENDANT GARCIA: Yes.

5 DEFENDANT PALENCIA: Yes, ma'am.

6 THE COURT: Do you wish to do so because  
7 you are in fact guilty?

8 DEFENDANT CASTILLO: Yes, Your Honor.

9 DEFENDANT CAMACHO: Yes.

10 DEFENDANT CARREON: Yes.

11 DEFENDANT RODRIGUEZ: Yes.

12 DEFENDANT CHAPA: Yes.

13 DEFENDANT GARCIA: Yes.

14 DEFENDANT PALENCIA: Yes, ma'am.

15 THE COURT: Has anybody threatened you  
16 or tried to force you or coerce you into entering a  
17 plea of guilty?

18 DEFENDANT CASTILLO: No, Your Honor.

19 DEFENDANT CAMACHO: No.

20 DEFENDANT CARREON: No.

21 DEFENDANT RODRIGUEZ: No.

22 DEFENDANT CHAPA: No.

23 DEFENDANT GARCIA: No.

24 DEFENDANT PALENCIA: No.

25 THE COURT: Okay. I'm going to go down

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1 the list and ask as to each one of you, and as to each  
2 one of the counts, how you plead, beginning with Mr.  
3 Castillo as to Count one, how do you plead, guilty or  
4 not guilty?

5 DEFENDANT CASTILLO: Guilty.

6 THE COURT: As to count two, guilty or  
7 not guilty?

8 DEFENDANT CASTILLO: Guilty.

9 THE COURT: Okay. Mr. Camacho, as to  
10 count 42, how do you plead guilty--?

11 DEFENDANT CAMACHO: Guilty.

12 THE COURT: Mr. Carreon, as to count 24,  
13 how do you plead?

14 DEFENDANT CARREON: Guilty.

15 THE COURT: As to count 26?

16 DEFENDANT CARREON: Guilty.

17 THE COURT: Mr. Rodriguez, as to count  
18 one, how do you plead?

19 DEFENDANT RODRIGUEZ: I plead guilty.

20 THE COURT: As to count two?

21 DEFENDANT RODRIGUEZ: I plead guilty.

22 THE COURT: Mr. Chapa, as to count 42?

23 DEFENDANT CHAPA: Guilty, Your Honor.

24 THE COURT: Mr. Garcia, as to count 24?

25 DEFENDANT GARCIA: Guilty, Your Honor.

1 THE COURT: As to count 26?

2 DEFENDANT GARCIA: Guilty, Your Honor.

3 THE COURT: Mr. Palencia, as to count  
4 20?

5 DEFENDANT PALENCIA: Guilty, ma'am.

6 THE COURT: As to count 21?

7 DEFENDANT PALENCIA: Guilty.

8 THE COURT: Okay. Now this is going to  
9 take a little bit of time, and this is where we're  
10 going to go down separately and address each one of  
11 you. But let me -- let me kind of divert here a little  
12 bit.

13 (Other case addressed; after which the  
14 following continued in this case:)

15 We're going to group some of you here to deal  
16 with some of this. I'm going to begin a little bit  
17 different order than I've been going to here first.  
18 We're going to begin with Mr. Palencia. Mr. Palencia,  
19 I'm going to ask the government to state the facts that  
20 support your plea of guilty, that is the government is  
21 going to tell me what facts could be proven or they  
22 believe could be proven if this case went to trial.

23 Once the government finishes their  
24 presentation, I'm going ask you whether there's anything  
25 that you believe is not correct, so it's very important

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1 that you listen very closely to what the government is  
2 saying, because after the government tells me what they  
3 think could be proven here, I want to hear from you  
4 whether you agree or disagree that this is what could be  
5 proven. Based on what is presented to me, then I will  
6 decide whether you are guilty or not guilty here. Do you  
7 understand that?

8 DEFENDANT PALENCIA: Yes, ma'am.

9 THE COURT: Okay. Mr. Moreno, then  
10 let's proceed as to Mr. Palencia.

11 MR. MORENO: Your Honor, do you want to  
12 follow-up with the United States agreement with each  
13 one of them after we go through the factual basis?

14 THE COURT: I'm sorry?

15 MR. MORENO: Our agreement, our  
16 recommendations of what we're going to recommend to the  
17 court.

18 THE COURT: And, actually, Mr. Palencia,  
19 we're covering it as to both counts 20 and 21. Do you  
20 understand that?

21 DEFENDANT PALENCIA: Yes, ma'am.

22 THE COURT: Okay. All right.

23 MR. MORENO: If this case was to proceed  
24 to trial, the United States could prove each element of  
25 the offense beyond a reasonable doubt the following

1 facts among other things would be offered to establish  
2 the defendant's guilt: That on January 25th, 2006,  
3 Ernesto Carreon-Vasquez, a.k.a. "Nune" (hereinafter  
4 Nune) contacted a fellow by the name of Valdez via push  
5 to talk radio on a cellular phone. The agents were  
6 able to monitor some of Valdez's calls and learned that  
7 Nune wanted Valdez to help him smuggle approximately  
8 1,000 pounds of marijuana from the riverbanks near Pico  
9 Road to an undisclosed stash location on January 26th,  
10 2006. Valdez was to scout the transportation area for  
11 Nunez transporters. Nune worked for Miguel  
12 Trevino-Morales a.k.a. "40" recruiting scouts and  
13 transporters to cross marijuana and cocaine across the  
14 Rio Grande River. Valdez was instructed by Nune to  
15 drop off two transporters at Pico Road and help scout  
16 the area. Two vehicles were to be used to transport  
17 marijuana from the river to the stash house.

18 On January 26th, 2006, DEA agents and  
19 U.S. Border Patrol Special Response Team, set up  
20 surveillance to cover the smuggling venture. At  
21 approximately 6:30 a.m. Valdez was contacted by  
22 Ernesto Alejandro Estrada a.k.a. Pepe informing Valdez  
23 that Estrada was going to acquire the location where  
24 Valdez was to meet the two Scouts and drivers for the  
25 smuggling operation. Approximately an hour later,

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1 Estrada contacted Valdez and asked him to pick up the  
2 scouts at San Agustin Plaza. Valdez was informed that  
3 there had been a change of plan because only one scout  
4 and one driver had shown up. The driver later  
5 identified as Arturo Palencia was operating a tan over  
6 blue Chevrolet Suburban bearing Texas license plates  
7 7JZ-R98.

8 At approximately 8:40 a.m. Valdez  
9 dropped off the scout, whose only been identified as  
10 Flama, at the Pico Road and Mines Road intersection to  
11 scout out the area. At approximately 8:50 Valdez gave  
12 the all clear signal to Palencia and Palencia proceeded  
13 down Pico Road to pick up the marijuana from the  
14 riverbanks. Palencia then instructed valdez to follow  
15 Palencia once they exited Pico Road and Valdez was to  
16 pick up Flama.

17 At approximately 9:13 a.m. the U.S.  
18 border patrol, SRT Agents, observed several  
19 unidentified males carrying large bundles of marijuana  
20 to the Chevrolet Suburban that was parked at the  
21 riverbanks at the end of Pico Road. SRT Agents then  
22 attempted to arrest Palencia and the unknown  
23 individuals, but all of them fled across the river into  
24 Mexico. As the SRT Agents attempted to capture the  
25 individuals swimming back across the river and secure

1 the marijuana bundles, SRT Agents observed gunshots  
2 being fired in their direction from Mexico.

3                   The U.S. border patrol agents seized  
4 approximately 130.09 kilograms of marijuana from the  
5 suburban abandoned by Palencia and the area around the  
6 Suburban. Webb County SO Deputies responded to the  
7 call regarding the gunshots. Surveillance was then  
8 terminated at that point.

9                   On a subsequent monitored push-to-talk  
10 conversation, DEA Agents heard Nune tell Valdez that  
11 his brother, Nune's brother, Juan Antonio  
12 Carreon-Vasquez, had been the person who had been  
13 firing across the river at the agents.

14                  THE COURT: Okay. Mr. Palencia, is  
15 there anything that Mr. Moreno stated that you believe  
16 is not correct?

17                  DEFENDANT PALENCIA: No, ma'am.

18                  THE COURT: And, in fact, what he read  
19 is part of what is set out in the plea agreement. I  
20 asked you earlier whether you had reviewed the plea  
21 agreement and had it translated to you in Spanish. You  
22 signed the plea agreement, which, as I said, includes  
23 the factual basis. Did do you so because the factual  
24 basis is what you believe it to be true and correct?

25                  DEFENDANT PALENCIA: Yes, ma'am.

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1 THE COURT: All right. Mr. Moreno.

2 MR. MORENO: And as part of our plea  
3 agreement, Your Honor, the government agrees to as to  
4 Mr. Palencia pleads guilty to Count 20 and 21 and  
5 continues to do so through the process until  
6 sentencing, that the government will dismiss any  
7 remaining counts of the indictment at the time of  
8 sentencing. That at sentencing we will agree to  
9 recommend to the court that the defendant be held  
10 accountable for more than 100 kilos but less than  
11 400 kilos of marijuana for the purposes of calculating  
12 his guideline score.

13 Also at the time of sentencing, we will not  
14 oppose the anticipated request for a two-level reduction  
15 for acceptance of responsibility. And if he continues  
16 with his plea of guilty, for doing so early, we will also  
17 recommend to the court that he receive an additional  
18 level downward for his acceptance -- for his early  
19 acceptance of responsibility.

20 THE COURT: All right. Mr. Palencia,  
21 the government has briefly stated the terms of the  
22 agreement as far as their recommendations and the  
23 dismissal of the remaining charges. Is this what you  
24 understand is -- of course, the plea agreement itself  
25 is what controls here. They've briefly summarized it

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1 here. But the plea agreement itself is what controls  
2 here, as far as your agreement with the government. Do  
3 you also understand that?

4 DEFENDANT PALENCIA: Yes, ma'am.

5 THE COURT: Okay. Then, Mr. Palencia,  
6 based upon the presentation here, the court -- well,  
7 actually, I think I'll do it at the end and address  
8 everybody here together because otherwise I'll be  
9 repeating myself several times. Okay. We'll come back  
10 to you in a little bit. Let's move on then to Castillo  
11 and Rodriguez.

12 Okay. Mr. Castillo and Mr. Rodriguez, I'm  
13 going to tell you the same thing that I covered with  
14 Mr. Palencia, that is the government is going to set out  
15 the facts that support the charges against you. Listen  
16 closely. At the conclusion of the government's  
17 presentation, I will ask you whether there is anything  
18 that you believe is not correct. Do you understand that?

19 DEFENDANT CASTILLO: Yes, ma'am.

20 DEFENDANT RODRIGUEZ: Yes.

21 THE COURT: Okay. All right. Mr.  
22 Moreno.

23 MR. MORENO: As to Mr. Rodriguez and Mr.  
24 Castillo, if this case were to proceed to trial, the  
25 government would prove by legal and competent evidence

1 that Mr. Rodriguez and Mr. Castillo conspired together  
2 and with other persons to possess with intent to  
3 distribute more than 5 kilograms of cocaine, and  
4 conspired with each other and with others to launder  
5 the proceeds of the sales of those controlled  
6 substances.

7                   The government established that defendant  
8 Castillo admitted to the agents that Castillo had begun  
9 working for Miguel Trevino-Morales on or about March of  
10 2007. He further admitted that he transported cocaine  
11 and currency for a man named Francisco Martinez a.k.a.  
12 "Popo" also known as "Doc" who worked under the direction  
13 of Trevino Morales.

14                   According to Castillo, upon meeting Martinez,  
15 Martinez sent Castillo approximately 500 kilos of cocaine  
16 to Castillo's house. Castillo would store the cocaine  
17 and transfer it to Rodriguez and another individual known  
18 only as "Bibis" for rewrapping prior to transporting the  
19 cocaine to Dallas, Texas. According to Castillo,  
20 Castillo would pay Rodriguez approximately \$300 for  
21 rewrapping the cocaine bundles.

22                   Castillo also admitted that he organized the  
23 shipping of approximately 500 to 600 kilograms of cocaine  
24 per week to Dallas, and that he personally on occasion  
25 escorted some of the shipments of cocaine once they were

1 past the border patrol checkpoint. Castillo stated that  
2 he utilized El Conejo Bus Lines, Turimex Bus Lines, and  
3 tractor-trailers to transport the cocaine shipments to  
4 Dallas. According to Castillo, the El Conejo bus driver  
5 would stop at Las Asadas Restaurant on San Dario Avenue,  
6 which is near Del Mar Boulevard to allow the passengers  
7 some time to eat there. And while the bus was there,  
8 then Mr. Rodriguez and this other fellow by the name  
9 "Bibis" would load suitcases that contained the cocaine  
10 onto the bus.

11 Mr. Rodriguez and a fellow named "Bibis" would  
12 escort the bus to Dallas, Texas, and they normally  
13 utilized a black 2001 Nissan Xterra and Castillo utilized  
14 a black 2006 Chevrolet Avalanche. Once in a Dallas,  
15 Rodriguez and "Bibis" would recover the suitcases with  
16 the cocaine at the Shell station that was located across  
17 from the El Conejo Bus Station. Castillo would then  
18 instruct Rodriguez and "Bibis" to deliver the cocaine to  
19 a stash house in Irvine, Texas. Castillo also admitted  
20 that he would make approximately \$400 profit per kilogram  
21 of cocaine when he utilized the El Conejo Bus Lines. He  
22 admitted that -- Mr. Castillo admitted that they lost one  
23 shipment of cocaine, approximately 160 kilograms of  
24 cocaine from an El Conejo Bus in August of 2007. Agents  
25 were able to go back and check with border patrol and

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1 confirm that a shipment of 166 kilograms of cocaine was  
2 in fact seized from El Conejo Bus Line on August 12th,  
3 2007.

4 According to Mr. Castillo, he also has  
5 mentioned using Turimex bus lines, and he would instruct  
6 Rodriguez and "Bibis" to drop off the cocaine at the  
7 Turimex parking lot. Rodriguez and "Bibis" would leave  
8 the vehicle's keys in the vehicle containing the cocaine,  
9 and leave the keys to the vehicle in the fuel door of the  
10 vehicle. An employee from Turimex would load the  
11 suitcases and Castillo would escort the bus to Dallas.  
12 In Dallas, Castillo again would get Rodriguez and "Bibis"  
13 to acquire the cocaine and deliver it to the stash house.  
14 According to Castillo, Castillo said he would make about  
15 \$300 per kilogram when Castillo utilized the Turimex bus  
16 lines. He also admitted that they lost one shipment of  
17 cocaine from the Turimex bus lines, approximately 80  
18 kilograms in August of 2007, two or three days after the  
19 El Conejo seizure. Again, the agents were able to  
20 confirm that a shipment of 88 kilograms of cocaine was  
21 seized from the Turimex bus line two days after the El  
22 Conejo seizure on August 14, 2007.

23 According to Castillo, when tractor trailers  
24 were used, Castillo would not escort the tractor trailers  
25 to Dallas, but would travel the day before. Once the

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1       tractor trailer was near Dallas, Castillo would instruct  
2       Rodriguez and "Bibis" to acquire the cocaine at a truck  
3       stop that was located on mile marker 404. The cocaine  
4       was then delivered to a warehouse near the livestock fair  
5       arena to a male identified only as "Guero". Castillo  
6       claimed that Castillo only made about \$120.00 per  
7       kilogram when the truck drivers were used. Castillo,  
8       with the help of Rodriguez and "Bibis" transported  
9       cocaine to Dallas approximately until February 2008 when  
10      he was stopped with a currency shipment.

11                   Castillo also admitted that he had transported  
12      approximately 20 to 30 bulk-currency shipments from  
13      Dallas to Laredo, Texas. In Laredo, he would then  
14      transfer the currency to a male identified only as "El  
15      Dentista" who in turn would transport the currency to  
16      Nuevo Laredo for Miguel Trevino-Morales. On February 8,  
17      2008, Castillo and Rodriguez were stopped by Webb County  
18      Sheriff's Office Deputies on IH-35. A search of their  
19      vehicle resulted in the seizure of \$870,535.00 in U.S.  
20      currency. Castillo admitted that the currency was drug  
21      proceeds being transported from Dallas to Nuevo Laredo  
22      Mexico.

23                   After his arrest in on May 2nd,  
24      Rodriguez admitted to the agents that he had worked for  
25      Castillo wrapping the marijuana and cocaine and that

1 Castillo paid Rodriguez \$50 to \$200 for wrapping the  
2 marijuana and cocaine. Rodriguez also stated that the  
3 wrapping usually took place at Castillo's tattoo shop.  
4 Rodriguez also provided agents a written statement  
5 indicating his participation with Castillo.

6 THE COURT: Okay. Mr. Castillo and  
7 Mr. Rodriguez, you've heard the government state the  
8 facts that pertain to the charges against you. Is  
9 there anything that you believe is not correct? Mr.  
10 Castillo?

11 DEFENDANT CASTILLO: No, Your Honor.

12 THE COURT: Mr. Rodriguez.

13 DEFENDANT RODRIGUEZ: No.

14 THE COURT: Okay. Each of you in your  
15 plea agreement, you have it set out as a separate  
16 document called the factual basis for the plea of  
17 guilty. Again, these documents -- is attached to the  
18 plea agreement. It has what appears to be your  
19 signature. Did you sign that document? Mr. Castillo?

20 DEFENDANT CASTILLO: Yes, ma'am.

21 THE COURT: Mr. Rodriguez?

22 DEFENDANT RODRIGUEZ: Yes, ma'am.

23 THE COURT: Did you sign that document  
24 because you believe the facts set out therein to be  
25 true and correct?

1 DEFENDANT CASTILLO: Yes, ma'am.

2 DEFENDANT RODRIGUEZ: Yes, ma'am.

3 THE COURT: All right. Okay. The

4 agreements.

5 MR. MORENO: As to each of them, the  
6 agreement is almost identical with the exception of the  
7 last provision. As to both defendants, in exchange for  
8 their pleas of guilty to Count One and Two, the  
9 government has agreed to dismiss any remaining counts  
10 of indictment at the time of sentencing. As to both,  
11 at the time of sentencing, the government will  
12 recommend to the court that they be held responsible or  
13 accountable for more than 150 kilograms of cocaine for  
14 purposes of calculating their guideline score.

15 Also, at the time of sentencing the government  
16 will recommend to the court that the court hold the  
17 defendants accountable for the \$870,535 for purposes of  
18 calculating their base offense level for money laundering  
19 under guidelines.

20 At the time of sentencing, the government will  
21 not oppose their anticipated request for two levels off  
22 for acceptance of responsibility and the additional level  
23 if they continue with their early plea.

24 The only difference is as to Mr. Castillo, the  
25 government will be recommending to the court that he

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1 receive a three-level upward adjustment for his  
2 supervisory role in the shipments of cocaine. And in  
3 Mr. Rodriguez's case the government is going to ask the  
4 court to award the defendant a three-level downward  
5 adjustment for his role somewhere between minor and  
6 minimal role in the transactions, for just being their  
7 wrapper basically for the shipments of marihuana and  
8 cocaine.

9 THE COURT: Okay. Again, Mr. Castillo  
10 and Mr. Rodriguez, the government has summarized what  
11 the agreement is, that is, again, set out in the plea  
12 agreement itself. This is only a summary. But is this  
13 what you understand to be your agreement with the  
14 government. Mr. Castillo?

15 DEFENDANT CASTILLO: Yes, Your Honor.

16 THE COURT: Mr. Rodriguez?

17 DEFENDANT RODRIGUEZ: Yes, Your Honor.

18 THE COURT: Again, it's important,  
19 however, that you understand what controls here is the  
20 written document that I've talked about, the plea  
21 agreement, even though the government has summarized  
22 here what they have agreed to recommend. Do you  
23 understand that?

24 DEFENDANT CASTILLO: Yes, ma'am.

25 DEFENDANT RODRIGUEZ: Yes, ma'am.

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1                   THE COURT: All right. Okay. Then  
2 let's move on to Mr. Garcia and Mr. Carreon-Ibarra.

3                   MR. MORENO: Okay. If this case were to  
4 proceed to trial, the government would prove each  
5 element of the offense beyond a reasonable doubt and  
6 the following facts, among others, would be offered to  
7 establish the defendant's guilt:

8                   Between approximately January 31st, 2006, and  
9 February 19th, 2006, Miguel Trevino-Morales a.k.a. "40",  
10 Reymundo Reyes, a.k.a. as "Comandante Mundo", Ernesto  
11 Carreon-Vasquez, a.k.a. Nune, the defendant, Rene Garcia  
12 a.k.a. "Rana", Andres Alfredo Hernandez, Jaime Miguel  
13 Diaz De Leon, a.k.a. "Michael" and Eduardo  
14 Carreon-Ibarra, a.k.a. "Negro", and a Juvenile, that  
15 we've identified in the indictment as Juvenile #2, and  
16 others, aiding and abetting each other, traveled or used  
17 a facility in interstate or foreign commerce with the  
18 intent to commit a crime of violence to further the  
19 unlawful activity, that is, a business enterprise  
20 involving controlled substances.

21                   Between approximately February 16th and  
22 February 19th, Miguel Trevino Morales, Reymundo Reyes,  
23 Ernesto Carreon Vasquez, Rene Garcia, Andres Alfredo  
24 Hernandez, Jaime Miguel Diaz De Leon, Eduardo Carreon-  
25 Ibarra, and Juvenile #2, and others, aiding and abetting

1 each other, possessed at least one firearm in furtherance  
2 of a crime of violence, that is, Interstate or Foreign  
3 Travel or Aid of Racketeering as charged in Count 24 of  
4 the indictment.

5 Telephone tolls indicate push-to-talk calls  
6 were made between Diaz De Leon in the United States and  
7 Trevino Morales in Mexico on January 31st 2006. Toll  
8 also identified push-to-talk calls between Trevino and  
9 Reyes beginning on January 31st, 2006. Beginning on  
10 February 1st, 2006, Diaz De Leon and Garcia also  
11 contacted each other. Diaz De Leon first contacted  
12 Carreon-Ibarra in Mexico on February 1st, 2006 and  
13 February 4th, 2006. Hernandez and Diaz De Leon began  
14 exchanging push-to-talk calls. On the same date,  
15 Carreon-Ibarra called both Diaz De Leon and Hernandez  
16 from Mexico.

17 On or about February 5th, 2006, at the request  
18 of Diaz De Leon, Hernandez and Garcia travel from Laredo,  
19 Texas to Miguel Aleman, Mexico to meet with Trevino.  
20 While Hernandez and Garcia were meeting with Trevino,  
21 Diaz De Leon and Trevino called each other. Trevino gave  
22 Hernandez and Garcia \$5,000 each to take back to Diaz De  
23 Leon. During the meeting, Trevino asked Hernandez and  
24 Garcia if they knew several individuals that Trevino  
25 wanted killed. Trevino, Hernandez, and Garcia also

1 discussed the cocaine business during the meeting. Later  
2 that day, Carreon-Ibarra again called both Hernandez and  
3 Diaz De Leon. Hernandez and Garcia drove back to Laredo  
4 and gave the money to Diaz De Leon. Diaz De Leon paid  
5 Hernandez and Garcia for bring the "expenses" to Diaz De  
6 Leon. Tolls also reflect that on February 6 and 7, 2006,  
7 Carreon-Ibarra called Hernandez. Hernandez in turn  
8 called Diaz De Leon and Diaz De Leon then called Trevino.  
9 Trevino also called Reyes on February 6th, 2006.

10 Carreon-Ibarra, Diaz De Leon, Trevino, and  
11 Reyes continued to exchange calls on February 8th and  
12 9th. Diaz De Leon also called Garcia on February 9th and  
13 Hernandez on February 10th. On February 11, 2006,  
14 Trevino, Diaz De Leon, Carreon-Ibarra, Reyes, Garcia, and  
15 Hernandez again exchanged calls. Garcia, Diaz De Leon,  
16 Hernandez, and Trevino again called each other on  
17 February 14th and 15th, 2006, including Hernandez and  
18 Trevino calling each other directly.

19 On February 16, 2006, Diaz De Leon, Trevino,  
20 Garcia, Hernandez again communicated with each other  
21 through push-to-talk radio. On the same day, DEA agents  
22 who were monitoring push-to-talk calls of FNU LNU, a.k.a.  
23 "Valdez" learned that Carreon-Vasquez wanted "Valdez" to  
24 help Carreon-Vasquez obtain two .40 caliber pistols.  
25 Carreon-Vasquez told "Valdez" that Carreon-Vasquez was

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1 sending two hit-men to Laredo, Texas, the following day  
2 to do a hit. Carreon-Vasquez also wanted "Valdez" to  
3 find a place where the "sicarios" could hide after the  
4 hit.

5 On February 16, 2006, Diaz De Leon called Juan  
6 Carlos Sanchez-Gaytan (Juvenile #2), as well as  
7 Hernandez. Diaz De Leon and Garcia brought the Juvenile  
8 #2 and Carreon-Ibarra to the home of Hernandez. Juvenile  
9 #2 and Carreon-Ibarra were dirty and tired from crossing  
10 to Laredo, Texas. Juvenile #2 and Carreon-Ibarra  
11 showered, ate, and rested at Hernandez's house. Diaz De  
12 Leon and Garcia purchased new clothes for Juvenile #2 and  
13 Carreon-Ibarra. Later that evening, Hernandez took  
14 Juvenile 2 and Carreon-Ibarra to Cheers bar so that they  
15 could meet up with Garcia and Diaz De Leon. At Diaz De  
16 Leon's direction, Garcia rented a room for Juvenile #2  
17 and Carreon-Ibarra at the Cactus Courts Motel.

18 On February 17th, 2006, Diaz De Leon again  
19 asked Garcia to get Juvenile #2 and Carreon-Ibarra a room  
20 at a different motel because they didn't like the Cactus  
21 Courts Motel. Carreon-Vasquez called "Valdez" and gave  
22 "Valdez" Juvenile 2's push-to-talk number so that  
23 "Valdez" could coordinate with the two sicarios.  
24 Carreon-Vasquez also asked "Valdez" to find a house that  
25 the hit-squads could use in Laredo. Garcia took Juvenile

1 #2 and Carreon-Ibarra to the El Cortez Motel and rented  
2 two rooms in Garcia's name. During the day,  
3 Carreon-Vasquez and "Valdez" continued to coordinate the  
4 delivery of the firearms to Carreon-Ibarra and Juvenile  
5 #2 and the rental of a safe house. DEA and the Laredo  
6 Police Department set up surveillance at the motel to  
7 monitor the activities of the assassins. Garcia, De  
8 Leon, and Juvenile #2 were in contact by telephone during  
9 the day. Carreon-Ibarra was also in telephonic contact  
10 with Trevino.

11 On February 18th, 2006, "Valdez" inquired of  
12 Carreon-Vasquez when "Valdez" would receive the money to  
13 rent the safe houses. Carreon-Vasquez told "Valdez" that  
14 Trevino would make that decision. When Valdez asked for  
15 a number to call Trevino, Carreon-Vasquez told "Valdez"  
16 that he'd have to get permission to give "Valdez" that  
17 contact number. Minutes later, Reyes called "Valdez" and  
18 told "Valdez" that Reyes worked for Trevino and was  
19 calling on Trevino's behalf. Reyes and "Valdez"  
20 discussed the amount of money that would be needed to  
21 rent a safe house for approximately six months. Reyes  
22 asked "Valdez" to help taking care of Juvenile #2 and  
23 Carreon-Ibarra. During February 18th, 2006, Juvenile #2  
24 also contacted "Valdez" numerous times requesting that  
25 "Valdez" deliver crack to the motel, food, and condoms at

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1 the motel. Diaz De Leon remained in telephonic contact  
2 with Juvenile #2, Garcia, and Trevino during the day.  
3 Later during the day, at Diaz De Leon's request, Garcia  
4 transported Juvenile #2 and Carreon-Ibarra to the H-E-B  
5 on San Dario. At the H-E-B parking lot, Juvenile #2 met  
6 with an unknown male who delivered a black gym bag  
7 containing firearms. Garcia then transported Juvenile #2  
8 and Carreon-Ibarra back to the motel and delivered the  
9 gym bag with the firearms to Diaz De Leon.

10 Once Diaz De Leon confirmed the firearms were  
11 there, Diaz De Leon had a female associate take Garcia to  
12 the motel to deliver the firearms. When Garcia delivered  
13 the firearms, he learned that Carreon-Ibarra and Juvenile  
14 #2 were in contact with an unknown female who was  
15 relaying the location of the assassination target at a  
16 local restaurant and bar. Diaz De Leon also obtained a  
17 Chevrolet Monte Carlo which was to be used as a getaway  
18 car after the assassination and had it delivered to the  
19 El Cortez Motel. Carreon-Ibarra was in contact with  
20 Carreon-Vasquez during the day and with Trevino during  
21 the night.

22 During the late hours of February 18th,  
23 2008, in the early morning hours of February 19th,  
24 2006, "Valdez" spoke and met with Juvenile #2 and  
25 Carreon-Ibarra at the El Cortez Motel. Juvenile #2

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1 asked "Valdez" to locate more ammunition and magazines  
2 for their firearms and a driver for the getaway car.  
3 Laredo Police Department then approached Rooms 602 and  
4 603 and made contact with the assassins. Juvenile #2  
5 attempted to escape through a window, but was unable  
6 to. Both Carreon-Ibarra and Juvenile #2 were arrested  
7 in Room 603. Juvenile #2 was found in possession of  
8 6.1 grams of cocaine. Carreon-Ibarra was found in  
9 possession of keys to rooms 602 and 603 and had an  
10 outstanding federal warrant for control substances.

11 Both subjects were arrested and  
12 transported to the Laredo Police Department. A search  
13 of Room 603 turned up a Glock, .40 caliber pistol,  
14 serial number FCM759 under the bed of the mattress and  
15 a Smith and Wesson, 9mm caliber pistol, serial number  
16 TCL4868 hidden in the water tank of the toilet. A  
17 search of Room 602 revealed a fully automatic AR-15,  
18 223 caliber machine gun and an obliterated serial  
19 number and a MAK-90, 7.62X39mm caliber semi-automatic  
20 assault rifle, serial number 91784 hidden under the  
21 mattress.

22 At the Laredo Police Department,  
23 Juvenile #2 and Carreon-Ibarra were interviewed. While  
24 they were being interviewed, police and DEA agents  
25 obtained information contained in Juvenile #2 and

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1 Carreon-Ibarra's cellphone. During the videotaped  
2 interviews, the cellphones were returned to  
3 Carreon-Ibarra and Juvenile #2. Carreon-Ibarra called  
4 Carreon-Vasquez, "Valdez", Trevino, his mother, and his  
5 girlfriend to tell them that they had been arrested.  
6 Carreon-Ibarra tried to call Diaz De Leon and Garcia.  
7 Both Juvenile #2 and Carreon-Ibarra then tried to  
8 destroy the sim cards from their respective cellphones.

9 On March 8th, 2006, LPD detectives  
10 detained Diaz De Leon on outstanding robbery warrants.  
11 During a videotaped interview, Diaz De Leon admitted  
12 that he knew Trevino, and that a couple of weeks before  
13 the interview, Trevino had asked Diaz De Leon to help  
14 with hits quads that Trevino was sending to Laredo,  
15 Texas. Diaz De Leon admitted that Trevino wanted Diaz  
16 De Leon to help out by providing weapons, cars, and  
17 identifying targets in Laredo.

18 On March 16th, 2006, LPD detectives  
19 spoke to Garcia. During a videotaped interview, Garcia  
20 admitted his participation with Diaz De Leon,  
21 Hernandez, Trevino, and helping Juvenile #2 and  
22 Carreon-Ibarra while they were in Laredo to commit a  
23 murder. When Garcia was arrested on March 18th, 2008,  
24 Garcia spoke to DEA Agents and again confirmed his  
25 participation in the activities described above.

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1 Garcia admitted that he was aware that Juvenile #2 and  
2 Carreon-Ibarra were in Laredo to commit a murder and  
3 that he had delivered the firearms to them at the El  
4 Cortez Motel. On March 22nd, 2006, LPD detectives  
5 interviewed Hernandez. During the videotaped  
6 interview, Hernandez admitted that he participated with  
7 Diaz De Leon and Garcia in the activities described  
8 above. Hernandez admitted traveling to Miguel Aleman  
9 with Garcia to meet Trevino at Diaz De Leon's request.

10 Hernandez also admitted bringing back  
11 money to Diaz De Leon from Trevino. Hernandez told  
12 detectives that during this meeting with Trevino,  
13 Trevino told Diaz De Leon to "take care" of any  
14 "Chapos" in the Laredo, Texas area. Hernandez also  
15 admitted that Juvenile #2 and Carreon-Ibarra had rested  
16 and showered at his house when they first arrived in  
17 Laredo.

18 THE COURT: Okay. Mr. Garcia and Mr.  
19 Carreon-Ibarra, is there anything that the government  
20 has stated that you believe is not correct?

21 DEFENDANT GARCIA: No, Your Honor.

22 DEFENDANT CARREON: No, Your Honor.

23 THE COURT: Okay. Again, each one of  
24 you has signed a document called a factual basis for a  
25 plea of guilty. Well, the document has what appears to

1 be your signature. Did you sign this document?

2 DEFENDANT GARCIA: Yes, Your Honor.

3 DEFENDANT CARREON: Yes, Your Honor.

4 THE COURT: Did you sign it because you  
5 believe that the facts set out there are true and  
6 correct?

7 DEFENDANT GARCIA: Yes, Your Honor.

8 DEFENDANT CARREON: Yes, Your Honor.

9 THE COURT: Okay. The agreements as to  
10 these two defendants?

11 MR. MORENO: As to both, the government  
12 will agree to dismiss the remaining counts of  
13 indictment at the time of sentencing. As to both the  
14 government will not oppose their request for a  
15 two-level downward adjustment for their acceptance of  
16 responsibility and an additional point for their early  
17 plea.

18 Then as to Mr. Garcia, in addition, the  
19 government will recommend that the court -- let me see if  
20 I get this right -- the government will recommend to the  
21 court that the defendant be sentenced at the lower end of  
22 the appropriate guideline scores. And also that the  
23 defendant be sentenced for the consecutive minimum  
24 mandatory term of five years for the violation of  
25 924(c)(A)(1)(A)(i), Count 26.

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1 THE COURT: Twenty-six. Yes.

2 MR. MORENO: I think those are the only  
3 differences, Your Honor.

4 THE COURT: Okay. Again, the government  
5 has summarized what their recommendations are. Is this  
6 what you understand your agreement with the government  
7 is? And it's in very general terms, but the plea  
8 agreement is what controls here. I want to make sure  
9 you understand that?

10 DEFENDANT GARCIA: Yes, Your Honor.

11 DEFENDANT CARREON: Yes, Your Honor.

12 MR. FLORES: Your Honor, Mr. Moreno had  
13 indicated to us also a minor role as to Mr. Garcia.

14 MR. MORENO: I'm sorry, did I skip that?  
15 Yes, Your Honor, that's in Section B of the agreement.

16 THE COURT: Okay. All right. And,  
17 again, what he says here is a summary of what the  
18 written plea agreement is. The written plea agreement  
19 is what controls. It's important that you understand  
20 that. Do you understand that?

21 DEFENDANT GARCIA: Yes, Your Honor.

22 DEFENDANT CARREON: Yes, Your Honor.

23 THE COURT: Yes, okay. We have  
24 Mr. Camacho and Mr. Chapa left, but the court needs to  
25 take a very short break. If anybody needs to take a

1 break, take it, and come right back.

2 (Break.)

3 THE COURT: All right. Then are we  
4 ready back to this -- 244. Okay. We're finishing up  
5 with Mr. Camacho and Mr. Chapa. Okay. Mr. Camacho and  
6 Mr. Chapa, again, the government is going to read the  
7 facts. I'll then ask you some questions. All right.  
8 Mr. Moreno.

9 MR. MORENO: Again, if this case was to  
10 proceed to trial, the government would prove the  
11 elements of the offense beyond a reasonable doubt and  
12 would offer the following facts among others to  
13 establish the defendant's guilt:

14 On or about April 10th, 2006, Gabriel  
15 Cardona-Ramirez was intercepted on his telephone speaking  
16 with an unknown male. He was going to deliver some  
17 cocaine to the Cardona-Ramirez. After picking up the  
18 cocaine, agents observed Cardona-Ramirez return to the  
19 safe house located at 9006 Orange Blossom Loop with the  
20 cocaine. On video surveillance set up at the safe house,  
21 agents were able to observe Cardona-Ramirez, Roberto  
22 Camacho, Gustavo Fabian Chapa, J.P. Ibarra, Juvenile #3,  
23 and Juan Adolfo Ramos in the kitchen area weighing and  
24 rewrapping the cocaine. Both Chapa and Camacho helped  
25 Cardona-Ramirez weigh and wrap the cocaine. A little

1 over nine ounces were weighed out by Cardona-Ramirez and  
2 the others.

3 Early in the morning of April 11th, 2006,  
4 Camacho went by the safe house and picked up the cocaine  
5 from Cardona-Ramirez. Monitoring of Cardona-Ramirez's  
6 cellphone calls established that Camacho and Chapa had  
7 taken the cocaine to Dallas, Texas and were going to  
8 deliver the cocaine to unknown individuals there and  
9 return with \$5,000 for Cardona-Ramirez. On three  
10 separate calls, Cardona-Ramirez was intercepted arguing  
11 with Camacho over the weight of the cocaine that was  
12 taken to Dallas. In a separate call with Juvenile #2,  
13 Cardona-Ramirez is intercepted telling Juvenile #2 that  
14 Cardona-Ramirez had just sent 10 ounces to Dallas and  
15 that Chapa had called back to say "that they had already  
16 scored" and they were on their way back to Laredo, Texas.

17 THE COURT: Okay. Mr. Chapa and  
18 Mr. Camacho, anything that the government stated that  
19 you believe is not correct?

20 DEFENDANT CHAPA: No, Your Honor.

21 DEFENDANT CAMACHO: No, Your Honor.

22 THE COURT: Okay. Now in your case,  
23 what the government stated is in part written into the  
24 plea agreement itself. I asked you earlier whether you  
25 had signed that plea agreement. You indicated to me

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1 that you had. Is part of the reason that you signed  
2 that plea agreement, which reflects this factual basis,  
3 because you believe these facts to be true and correct?

4 DEFENDANT CHAPA: Yes, Your Honor.

5 DEFENDANT CAMACHO: Yes, Your Honor.

6 THE COURT: Okay. As to the agreement  
7 as to Mr. Camacho and Mr. Chapa?

8 MR. MORENO: As to both them, Your  
9 Honor, the government is going dismiss the remaining  
10 counts at the time of sentencing, if they persist in  
11 their plea. We would recommend to the court that they  
12 be held accountable for more than 200 grams, but less  
13 than 300 grams of cocaine for purposes of calculating  
14 their guideline score.

15 We will not oppose their request for a  
16 two-level adjustment for acceptance of responsibility and  
17 an additional level for the early plea, and I believe  
18 both of them, at least they're eligible for safety valve,  
19 if they decide to take advantage of it.

20 THE COURT: Okay.

21 MR. MORENO: And if they do so, then we  
22 would recommend the additional two-level downward  
23 departure.

24 THE COURT: Okay. All right. The  
25 government has stated in general terms their agreements

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1 here. Is this what you understand to be the agreement?

2 DEFENDANT CHAPA: Yes, Your Honor.

3 DEFENDANT CAMACHO: Yes, Your Honor.

4 THE COURT: Again, however, it's very  
5 important for you understand that the written plea  
6 agreement that I have talked about on and off here is  
7 what controls. Mr. Moreno just kind of summarized  
8 that. It is a written plea agreement that controls. I  
9 asked you earlier whether you had reviewed that, and  
10 you indicated you had, and you understood that was your  
11 agreement; is that correct, as to each one of you?

12 DEFENDANT CHAPA: Yes, Your Honor.

13 DEFENDANT CAMACHO: Yes, Your Honor.

14 THE COURT: Okay. All right. As to any  
15 one of the defendants, now that we're at this stage, is  
16 there anything that we've covered that you do not  
17 understand. Anything that we've covered that you  
18 think, wait a minute, even though earlier I said that's  
19 correct, now I realize it's not correct, or I need to  
20 tell the court this. Anything of that nature?

21 DEFENDANT CASTILLO: No, Your Honor.

22 DEFENDANT CAMACHO: No.

23 DEFENDANT CARREON: No.

24 DEFENDANT RODRIGUEZ: No.

25 DEFENDANT CHAPA: No.

1 DEFENDANT GARCIA: No.

2 DEFENDANT PALENCIA: No.

3 THE COURT: Very well then. As to all  
4 the defendants, the court first of all finds that each  
5 of you is competent to enter a plea, that you each  
6 understand the nature of the charges against you, that  
7 there is in fact a factual basis for the plea of  
8 guilty. That you are entering a plea of guilty freely  
9 and voluntarily. And the court as to Raul Castillo  
10 finds you guilty as charged in Counts One and Two of  
11 the indictment. As to Mr. Camacho, guilty as charged  
12 in Count 42.

13 As to Mr. Carreon, guilty as charged in Counts  
14 24 and 26. As to Mr. Rodriguez, guilty as charged in  
15 counts One and Two. As to Mr. Chapa, guilty as charged  
16 in Count 42. As to Mr. Garcia, guilty as charged in  
17 Count 24 and 26. As to Mr. Palencia, guilty as charged  
18 in Counts 21 and 20.

19 The court will set sentencing in this case for  
20 November the 13th at 9:00 a.m. with a presentence  
21 investigation to be done and a report to be completed by  
22 September the 8th with objections to be filed 14 days  
23 thereafter. Anything further as to any one of these  
24 defendants?

25 MR. MORENO: No, Your Honor.

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1 MR. DOMINGUEZ: No, Your Honor.

2 MR. GUTIERREZ: No, Your Honor.

3 THE COURT: All right. Thank you very  
4 much. Then you may be excused.

5 (Adjournment.)

6 CERTIFICATE

7 I, Leticia O. Rangel, Official Court Reporter,  
8 certify that the foregoing is a correct transcript from the  
9 record of the proceedings in the above-entitled matter.

10 WITNESS MY OFFICIAL HAND, this 2nd day of  
11 March, 2011.

12  
13 /S/LETICIA RANGEL  
14 Leticia O. Rangel  
CSR: 4767

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